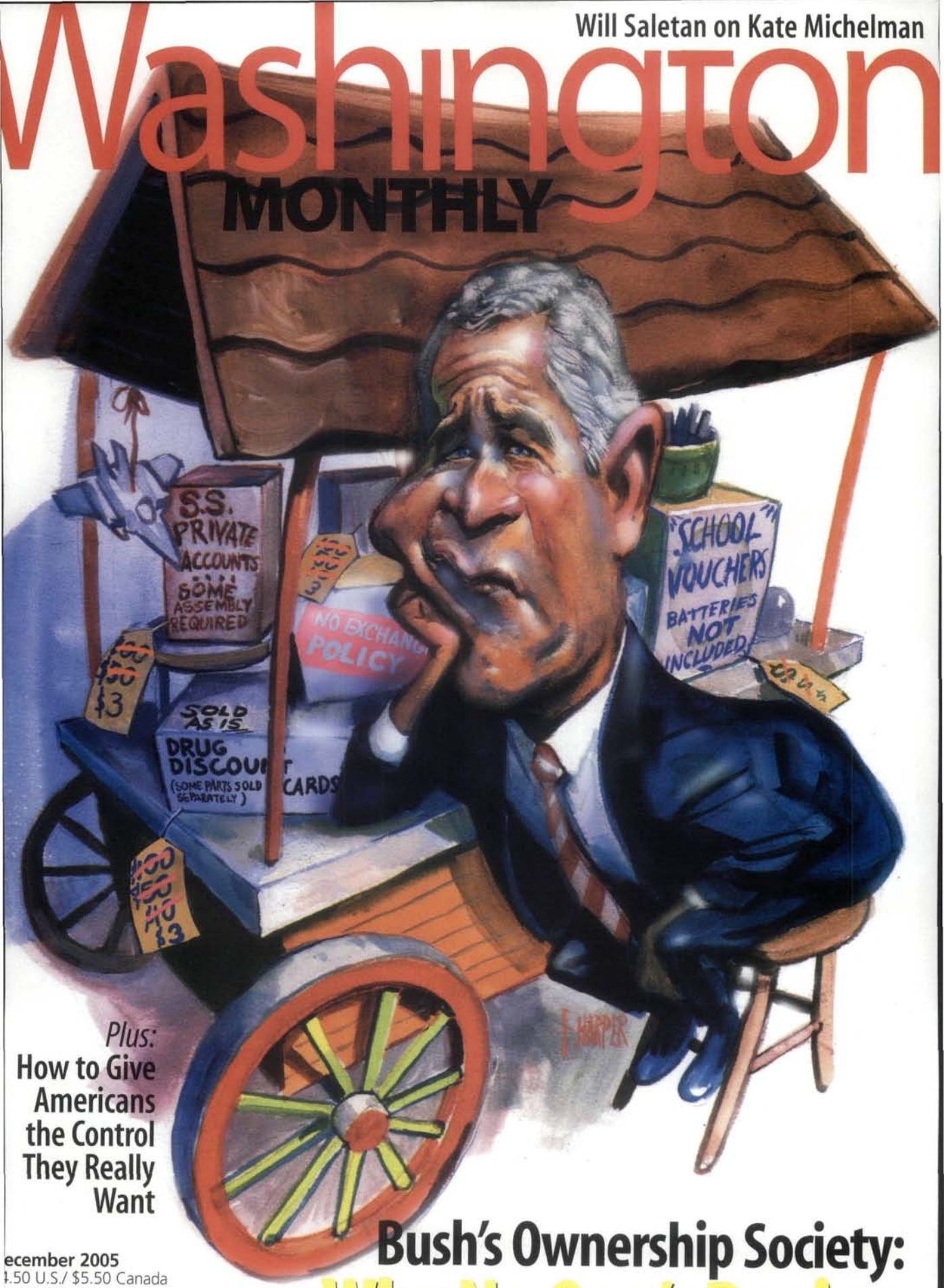
Washington MONTHLY

Will Saletan on Kate Michelman



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How to Give Americans the Control They Really Want

Bush's Ownership Society: Why No One's Buying

By Paul Glastris

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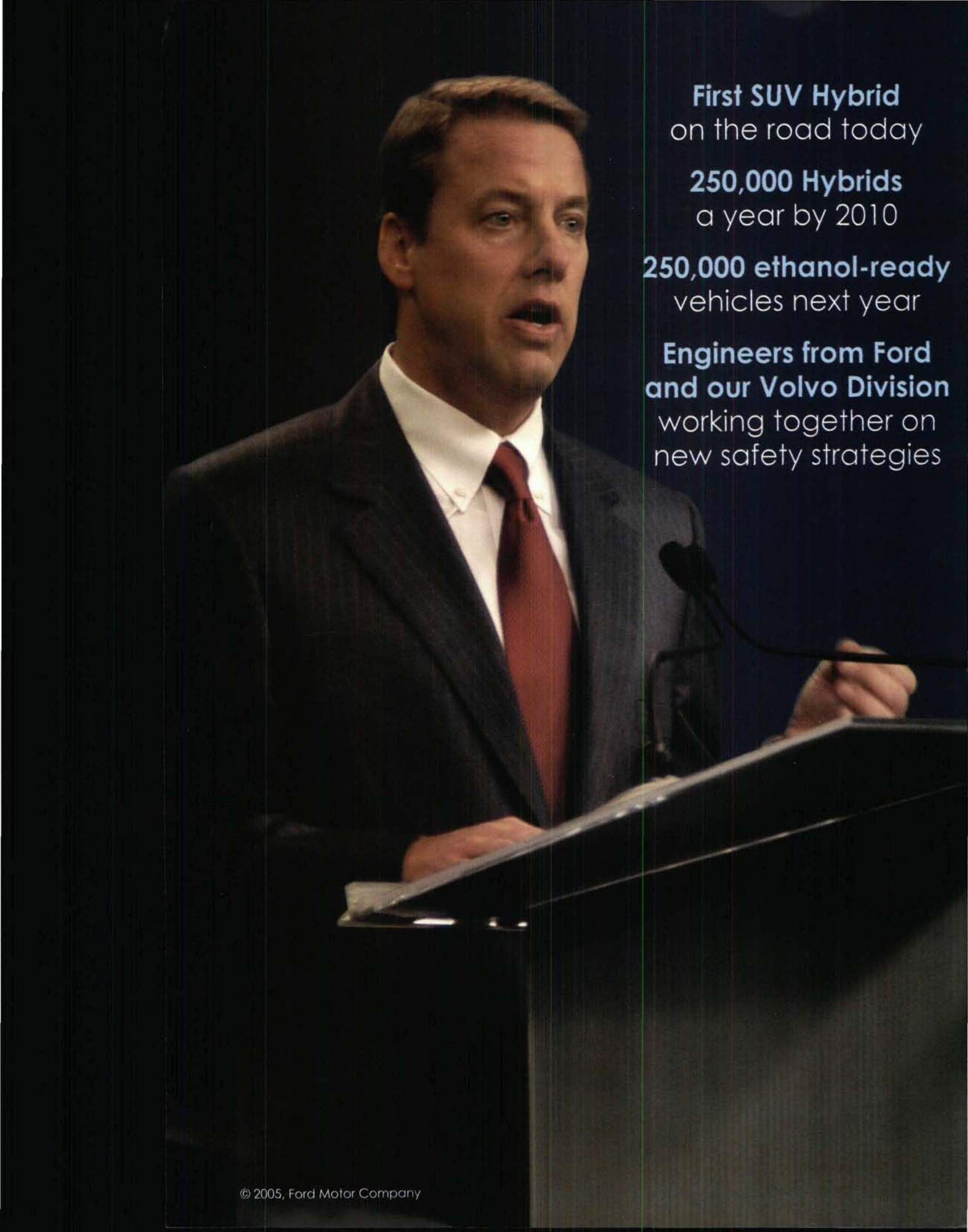

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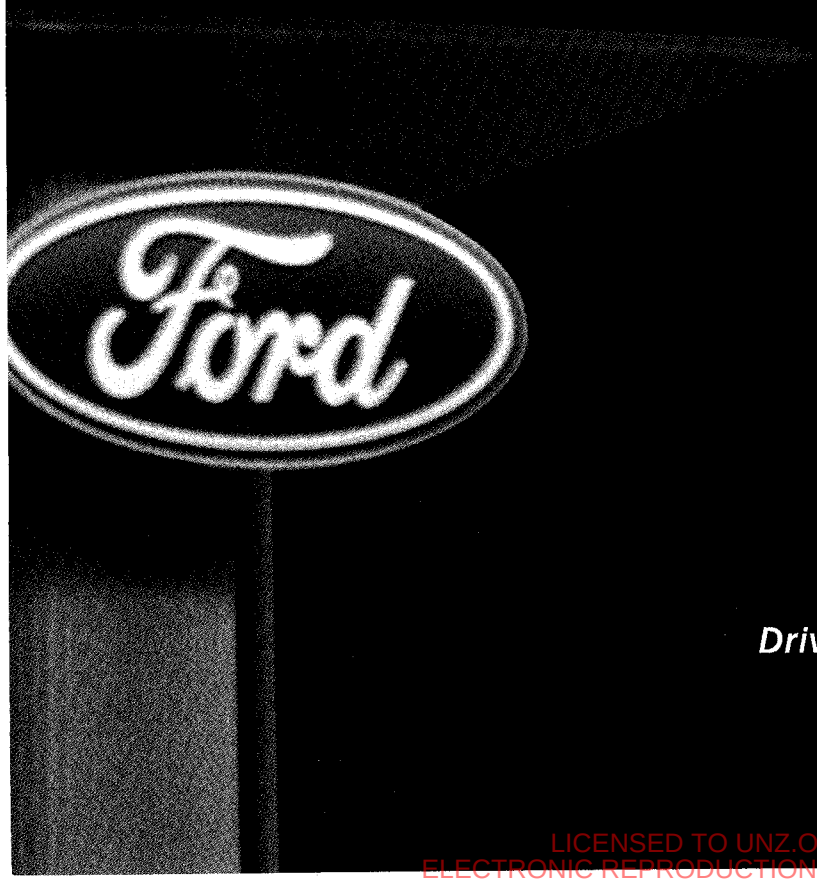

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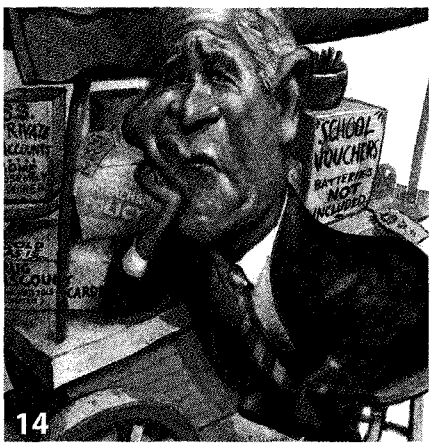
December 2005



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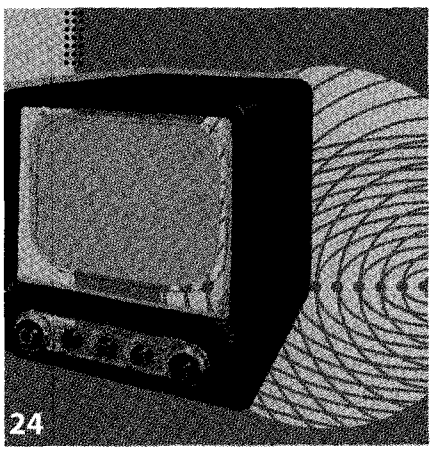
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Letters

Head of the Class

I am thrilled to see *The Washington Monthly* provide information on colleges and universities that citizens can use to keep track of how well these institutions serve our country ("The Washington Monthly College Guide" by The Editors, September). There are, however, a few points I would like to see included in future rankings.

First, the Peace Corps and the military are not the only two forms of national service for which data is likely to be available. AmeriCorps and Teach for America applicants certainly indicate which institutions they graduated from. I would hypothesize that graduates who go on to the Peace Corps tend to come from more well-to-do families in the first place, whereas those from low-income and immigrant families might choose forms of service closer to home. Whether this is true or not, I would love to see these commitments recognized in your rankings.

Second, as a Ph.D. student in the natural sciences, I appreciate the implication that students following my career path are providing a form of national service. I would, however, love to see graduates in professions of service (social work, nursing, etc.) or scholars in the social sciences counted as assets to our nation. Perhaps these do not fit in the "economic growth" area, but instead in the service category, or as an indication of the degree to which universities are training critical thinkers and informing public policy debates (admittedly, some of the latter would be captured by finding the institutions that civil servants graduated from, as mentioned in the article itself).

Again, thank you for this refreshing way of looking at our nation's institutions of higher education.

Maegan M. Ashworth
Medical Scientist Training Program Trainee, University of Washington

"The Washington Monthly College Guide's" criteria concerning what America needs from higher education—social mobility, advancement of knowledge and economic growth, and an ethic of service—are laudable but incomplete. What America needs most from colleges and universities is a citizenry capable of conducting a participatory democracy.

We might suppose that democracy is about counting votes. But democracy is also about deliberation, the shared inquiry into what is best to do. The evidence for this is that all political persuasions appeal to the notion that citizens are trying to figure out how to do the right thing.

Learning to deliberate requires: 1) critical thought in making and evaluating arguments, 2) knowledge that can provide reasons in arguments, and 3) discernment of what is worth deliberating about.

This aim is embraced by colleges and universities in the tradition of the liberal arts. So, if we want a democracy in which citizens are equipped to withstand manipulation, and in which the connection between truth and freedom is always clear, we will judge our colleges and universities according to their success in providing deliberative abilities to their graduates.

How do you measure that? First, ask whether the institution understands itself as a producer of well-equipped citizens. Second, ask whether the curriculum encourages broad studies relevant to serious issues. Third, ask whether the learning process engages students actively, rather than treating them like passive units of absorption. Do students take responsibility for their own learning, cultivating the habits of deliberation?

Phi Beta Kappa's presence at colleges or universities is a strong indicator of these aims and practices, and a sign that the institution is supplying America with citizens who can deliberate.

John Churchill
Secretary, The Phi Beta Kappa Society

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Tilting at **Windmills**

by **Charles Peters**

The Ice pick's just in case the wings freeze over

If you needed a little pre-Katrina warning that all was not well at the Department of Homeland Security, consider its proposal, announced in August, to permit airline passengers to carry ice picks and knives less than five inches in length. Of course, a four-and-three-quarter inch penetration between your ribs would do no harm at all.

Practice what you preach

The Washington Post's Peter Carlson has a great idea for the neocons who got us into the Iraq war and continue to exhort our forces to keep fighting and not 'cut and run.' Carlson's advice: Follow the example of Theodore Roosevelt who, having advocated the Spanish-American War, forsook his comfortable civilian life to join in the fight, organizing a regiment called the Rough Riders. Carlson suggests the neocons call themselves the Tough Talkers.

Novak's sources

For two years, people have been trying to identify the source for Robert Novak's revelation about Joe Wilson and Valerie Plame. There was a time when it wasn't so difficult to figure out who was talking to Novak. During his first two decades as a columnist, he relied on three main sources: Lawrence O'Brien, the Kennedy-Johnson political operative who became chairman of the Democratic National Committee and had his office burglarized during Watergate; Melvin Laird, the prominent Republican congressman who became Richard Nixon's Secretary of Defense; and another DNC Chairman, Robert Strauss. Not only were their fingerprints all over many of the columns Novak wrote with his partner Rowland Evans, but they were also consistently rewarded with praise from Evans and Novak, a practice Novak did not abandon when he continued the column on his own. A more recent source, Bob Shrum, is usually described in terms like, "a brilliant political strategist."

A star is born

Novak was not the only journalist to reward sources with favorable publicity. One of the most notorious examples is the way Walter Winchell built J. Edgar Hoover into a demigod during the many years the FBI director kept the columnist supplied with juicy items. Less well known is the role Drew Pearson, a very prominent columnist from the '30s through the '50s, played in building Lyndon Johnson's national reputation in return for tips from the rising star on Capitol Hill.

Are you listening, Judy Miller?

I was reminded of all this by a recent story praising a White House staffer that followed only by a couple of weeks articles by the same reporter for which that staffer seems very likely to have been a source. My caution to the journalist involved is that this was a little too obvious and runs the risk of getting the staffer in hot water. I do not name names because I don't want to increase the danger for the source. It is so hard to get inside dope out of this White House that one wants to be careful not to penalize those who risk letting the rest of us know the truth about what its inmates are up to.

There are, however, a couple of important cautions. First, a reporter should not let himself be used by a source to peddle false or misleading information. Second, a reporter must be careful not to endow officials with reputations they do not deserve. Winchell elevated Hoover to a point where even presidents were afraid to offend him.

Northwest by northeast

A robber knocked a Washington woman to the ground, kicked her in the head and side, seized her purse and ran away. She called 911 and explained what had happened and where she was, near the Georgia Avenue-Petworth metro station in northwest Washington. The 911 operator dispatched the police to northeast Washington. Naturally, this took some time to straighten out. While she was waiting, the victim told the operator that the robber seemed to be coming back toward her.

The operator, according to Matthew Cella of *The Washington Times*, "told her to try to make him follow her so that the police officers could catch him." Understandably, she found the advice "not a cool idea" and did not follow it.

The chief justice as hired gun

Like most people who watched his confirmation hearings, I admired John Roberts's knowledge of the law—he seems to have memorized every case ever decided by an American court—and his ability to succinctly summarize judicial opinions. But one answer he gave disturbed me.

Sen. Dick Durbin wanted to find out if there was any client Roberts would not represent. Durbin knew Roberts had represented gay-rights advocates in a suit challenging a state constitutional provision on the ground that it restricted those rights, so Durbin asked if Roberts would have been willing to work for the other side:

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"I probably would have," was the answer. He added, in the words of Robin Toner and David Kirkpatrick of *The New York Times*, that "a lawyer should not sit in judgment of his client."

This is the hired-gun philosophy of the practice of law. The problem is that it leads most lawyers who subscribe to it to take any client who can afford their fee. The unfortunate effect is to make justice more available to the well-heeled, and only to the rest of us if we happen to be killed or maimed in an accident that could prove lucrative for a plaintiff's attorney. What lawyers should be doing is to take only cases that they believe in—at the very least, insisting that their client have a reasonable ground for the claim he is making or the defense he proposes.

A lawyer should refuse to work for corporate villains like the tobacco companies. They can destroy your soul as they lure you into participating in tactics like intimidation and concealment. You become Robert Duvall in "A Civil Action."

The only exception is that you should accept court appointments to represent the indigent so that they will not be deprived of counsel. Otherwise, why should you help the bad guys?

How to succeed in Washington 101

How does Frances Townsend get ahead? Since she joined Condoleezza Rice's staff in 2003, she has risen to direct both the counterterrorism and homeland security offices at the White House. Before that, her ascent to power as an aide to Janet Reno during the '90s had been equally rapid.

One of her colleagues, another Reno aide, tells *The Washington Post* that, "she was very 'we'll take care of it' in those meetings. She understands the principle that you say 'we'll take care of it' even if you have no clue how you'll actually take care of it." This, in my experience, is one of the great secrets of success in Washington. I have seen many a clever bureaucrat ride it to the top. Of course, it doesn't work if you neglect to do the taking care of.

Another clever FrancesTownsend ploy came one Christmas Eve when she told President Bush in regard to a pending matter, "I'll call you tomorrow morning." This may cause your colleagues to roll their eyes, but it is guaranteed to impress the boss.

Just to be safe, brush up on your side stroke

You can learn something about government by studying the Coast Guard's role in response to Katrina and in the sinking of the Ethan Allen on Lake George. Its performance in rescuing Katrina survivors was superb. Its safety standards for the vessels it regulates are considerably less impressive.

In determining if a boat is overloaded, an average weight of 140 pounds is used for each passenger. This standard was applied by the state of New York to the Ethan Allen with tragic results. Its passengers were all adults, many of whom, in this age of obesity, can be assumed to weigh much more than 140 pounds.

Years ago, I wrote about another vessel regulated by the Coast Guard, a ferry that crosses the wide mouth of the Delaware Bay, noting that it had a sign reading, "Life Boats this way," that pointed its 700 passengers to two boats with a capacity of 25 persons each. Over the years, changes were made. First, the sign reading "Life Boats This Way" was painted over. Later, the sign was restored and six life rafts were added to the two lifeboats. The lifeboats and the life rafts now had space for 200 passengers. That left 500 who needed to be good swimmers.

There are a number of reasons for the Coast Guard's rapid reaction to Katrina, including a culture that encourages flexibility, but one sure factor is the universal support for its rescue function. We all want to see those in peril saved.

On the other hand, few businesses like being regulated, so the interests of the passenger have to be weighed against the complaints of the owners about the heavy hand of government. And it is usually the owners who are the most resolute in their lobbying, meaning that the regulators tend to lean their way.

I'll shovel your front walk, too

Another clever Townsend ploy came one Christmas Eve when she told President Bush in regard to a pending matter, "I'll call you tomorrow morning." This may cause your colleagues to roll their eyes, but it is guaranteed to impress the boss.

Laying down the law school

Rebecca Carroll of the Associated Press recently came up with an interesting story about lawyers who haven't gone to law school. Four states allow would-be lawyers to take the bar examination and become licensed by going through an apprenticeship with practicing attorneys. I approve. After all, that's just what Abe Lincoln did.

Law schools have always seemed

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like a racket to me. Their real purpose is to provide nice jobs for the faculty and provide three years during which the law student, who often goes to law school to mark time while he decides what he really wants to do, to make up his mind, or at least pacify his parents who want him to appear to be doing something.

Maybe one year could be useful. The Socratic method used by the best law professors does teach students how to think—which, lamentably, a standard liberal arts educationtoo often fails to do. And one year is all you need to find out whether you really like the law. If you are bored by the basics of the profession, you're not going to enjoy practicing it.

All in the family

You have to love one of those "blind trusts" that was supposed to insulate Sen. Bill Frist from control of the HCA shares that just happened to be sold at the right time to maximize his gain. Sen. Frist did not "control" the trust, his spokesman indignantly asserts. His brother did.

These things take time—lots of time

If you think the Coast Guard followed a too-little and too-slow policy in responding to the safety needs of those ferry passengers, consider the Federal Aviation Administration's response to the danger of another fuel tank explosion like the one that brought down TWA's Flight 800. That accident happened in 1996. Nine years later, the chair of the National Transportation Safety Board, reports Matthew Wald in *The New York Times*, "complained to the Federal Aviation Administration that it had slowed to a crawl on changes needed to prevent a similar accident."

In 1996, "the safety board called for pumping the tanks full of inert gas so they could not explode." In 2004, "the FAA said it was close to proposing" such a rule but it has yet to do so.

Before Flight 800 left New York, its departure had been delayed more than an hour. Heat from the planes' air-conditioning unit, located next to the fuel tank, caused the temperature in the tank to become dangerously high, making it more likely to explode. So, the National Transportation Safety Board recommended that, while on the ground, planes be cooled by ground-based, rather than on-board, air-conditioning equipment. The FAA has yet to require that this step be taken—and only one airline, Southwest, has taken it.

The airlines now have an excuse for not adopting the inert gas solution. Doing so would cost $200,000 a plane, which many cash-strapped airlines cannot afford at this time. There have however been periods of airline prosperity since 1986, when they could have afforded the fix if the FAA had only required it.

And the ground based air-conditioning unit is not costly. Actually, Southwest is using it because it costs less than the on-board version.

Rock, paper, scissors will decide who's in charge

Speaking of delays in doing what should be done: Four years after 9/11, according to *The Washington Post*'s Steven Pearlstein, the Washington region has no plans "approaching credible... to respond to an attack or a natural disaster, or even an agreement of who will be in charge."

The case against the case against political appointees

For reasons that will quickly become understandable, I have been uncomfortable with all the condemnation of political appointees that has followed in the wake of Katrina. You see, I was once a political appointee myself. I was brought to Washington because I had managed John Kennedy's campaign in my West Virginia county in 1960.

I went to work for a political appointee, Sargent Shriver, who turned out to be a great leader of the Peace Corps. He, however, was skeptical about other political appointees, and he didn't know me, so I was given a job—called "Consultant to the General Counsel"—in which my capacity for doing any harm was modest indeed. I felt embarrassed that I was "political." I eagerly volunteered for assignments that would give me a chance to prove that I wasn't a hack but had some ability, and that I was as dedicated as my colleagues to the mission of my agency.

The general atmosphere at the agency was so free of partisanship that I recall one day Shriver and Bill Moyers danced into my office with joy as they celebrated having recruited an outstanding Republican, William Saltonstall, to head the Peace Corps in Nigeria. I did not put my inscribed photograph from John Kennedy on my office wall until after the assassination. Of course, most of us were devoted to Kennedy, but we were convinced that we could best serve him by making the Peace Corps an agency the country could be proud of.

What this means to me is that there is nothing wrong with political appointees who have the ability to do the job. Their dedication to implementing their president's policies may even make them preferable to civil servants who are indifferent to these policies. But there's a great big 'if' to all this.

The 'if' is if the president and his policies are wise and good. That is why we have to care about whom we elect. If you elect a Franklin Roosevelt, you're going to get able appointees. If you elect George W. Bush, you're going to get Michael Brown.

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10 MILES SQUARE

There Goes the Neighborhood

The last low-rent office building in downtown D.C. smokes out the National Organization for Women, US-Ukraine Foundation, a private eye, and *The Washington Monthly*.

By Christina Larson

Now it can be told. It is not—and never has been—tricky to sneak into *The Washington Monthly*'s downtown office building on the corner of H and 15th Streets, one block from the snipers atop the White House.

On a grey Columbus Day, as on all federal holidays, the *Monthly* was open for business, but the building's front door was bolted. When I realized I'd arrived without my security card to unlock the door, I simply trotted past the $10 sale racks to the left of the main entrance and pushed open the glass door of the Arrington Club Boutique, where Britney Spears was purring over the loudspeakers while a single shopper pawed through racks of string bikinis and sequined bustiers, occasionally glancing at advertisements posted for various "modeling" agencies. I smiled at the owner, Houston, who was busy finessing a mannequin's Halloween witch costume, his purple shirt unbuttoned just enough to reveal a few stray chest hairs. And then I turned to my right, and pushed open a side door adorned with a poster of bikini-clad Carmen Electra. I was in the main lobby.

Lest you get the wrong idea about where I work, the storefront on the opposite side of the main entrance is occupied by the Agape Christian Bookstore, where floor-to-ceiling shelves overflow with study Bibles, greeting cards, and Veggie Tales DVDs. Unfortunately, its door into the lobby is usually locked.

What the club boutique and the Christian bookstore, together with the building's varied office tenants—which have recently included the National Organization for Women, the Washington Area Bicyclists Association, the Center on Ecotourism, Code Pink, a private eye, and the U.S.-Ukraine Foundation—have in common is not ideology but the desire to operate in downtown Washington and not splurge on rent. Most tenants pay a little more than $20 per square foot, about half the market rate for comparable space nearby.

With the low rent come tradeoffs. The Woodward Building is old and drafty, with elevators that huff and groan, often stopping for a short rest between stories or opening mysteriously on floors where no passengers embark—according to an engineer from Otis, no company makes replacement parts for these gilded cages anymore, forcing the repair staff to improvise. Many of us take the stairs just to be safe. The bathroom faucets do little more than gurgle, and air conditioning is supplied by crackling window units.

For businesses that can't quite afford a typical D.C. address for their letterhead, the Woodward beats renting a post box or shuffling across the river to Rosslyn. And if you squint past the dust and peeling paint, the building's spacious hallways, wrought iron staircase, ceiling

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frescoes, and gold-trimmed lobby letterbox conjure a certain faded elegance, reminiscent of the Woodward's original 1911 glory.

All that is coming to an end this year, when 733 15th Street will empty so that it can be renovated and transformed into luxury apartments, its varied tenants smoked out to forage elsewhere in Washington's difficult real estate market.

While most American cities harbor a handful of neighborhood committees and volunteer organizations, Washington is unique in terms of scale. The swirl of political activity in the capital makes the city a mecca for myriad national and local nonprofits, whose leaders often deem it mission critical to locate their headquarters—or at least a branch—somewhere within earshot of Capitol Hill or the White House. In recent decades, the Woodward Building has filled a particular niche in D.C.'s political ecosystem: sheltering a hefty slice of the capital's nonprofit underclass.

Its original owners had rather different ambitions. The Woodward Building, an 11-story steel-frame edifice with six marble columns framing one entrance, was built for the owner of the Woodward & Lothrop department stores in the early years of the 20th century, when developers competed to attract the city's emerging class of lawyers and bankers with marbled lobbies and Beaux Arts facades. It stands across the street from the U.S. Treasury, part of what was soon to become known as the Fifteenth Street Financial District. The exterior resembles a triple-layer cake—three stories of stone form the base, six stories of brick in the middle, and two stories of ornamental terra cotta at the top. With its gilded storefronts, well-clad elevator operators, and spacious offices each with its own large window and transom above the door (necessities in the days before air-conditioning), the Woodward was then the very definition of posh. A year before the building opened, lavish advertisements printed in maroon and gold for prospective tenants proclaimed it "the largest and most imposing office building in Washington."

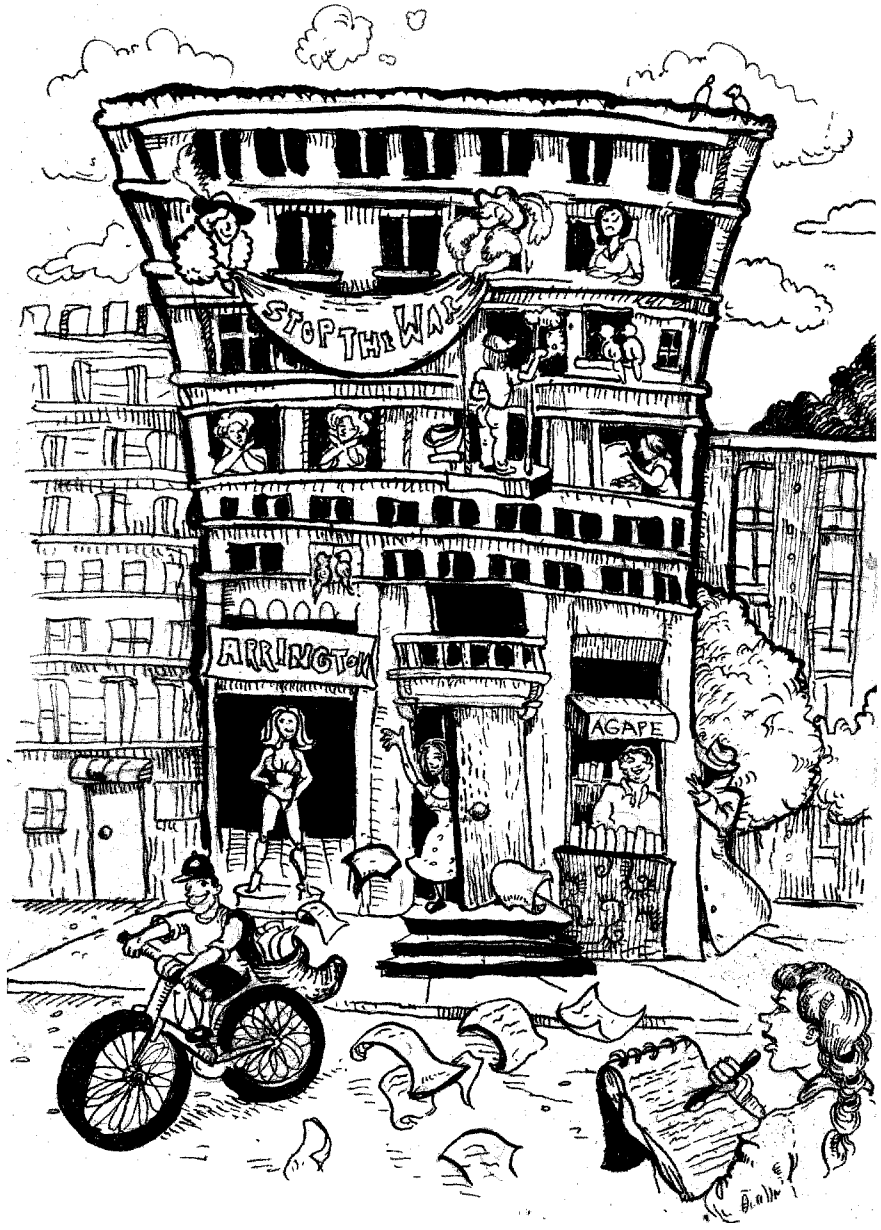

Illustration by Molly Crabapple

The building retained a certain luster into the late 1960s, housing an upscale men's shoe store frequented by Vice President Hubert Humphrey and a barbershop where Dick Cheney, then a young aide to Donald Rumsfeld at the U.S. Office of Economic Opportunity, was a regular. Neil Armstrong once dropped by for a trim on his way to lunch at the White House.

But in the 1970s and 1980s, as other downtown buildings were refurbished or newly constructed, the Woodward grew older and untidy, her Belle Epoque beauty worse for the wear, her lobby chandeliers collecting dust. The well-heeled clients gradually trickled out. The building became known as a last resort for businesses, where the rent was cheap, maintenance was minimal, and the leases contained one-year termination clauses. After

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JARGON WATCH:

In the aftermath of Hurricane Katrina, government officials seemed to settle on a single convenient phrase to deflect responsibility for the bungled response. And one foreign leader seemed to be taking note.

"The press was too focused on what did we do, what didn't we do, the whole **blame game**."
—FEMA chief Michael Brown, 9/12/05

"The media has a fascination with the **blame game**."
—George H.W. Bush, 9/6/05

"We don't get into the **blame game**."
—Louisiana Gov. Kathleen Blanco, 9/2/05

"I'm just not going to engage in the **blame game** or finger-pointing."
—White House spokesman Scott McLellan, 9/7/05

"[Nancy Pelosi] chose to join those on the front ranks of the **blame game**."
—RNC spokesman Brian Jones, 9/7/05

"We are doing whatever is humanly possible. . . There should not be any **blame game**."
—Pakistani President Pervez Musharraf on criticism of his government's response to the recent earthquake, 10/11/05

Weird Gift Idea #57
Playmobil's Security Check Point: Perfect for the little future TSA employee in your life (plasticine shoe bomb not included)

his failed presidential bid, John Anderson found himself $600,000 in debt and downsized from his pricer Georgetown offices to the Woodward Building. In the 1980s, Jesse Jackson ran his RAINBOW-PUSH campaign downtown on a budget from the building. Eventually, the jewelry boutique and shoe store moved out; the Bikini Shop moved in. The law firms moved out; the Center on Ecotourism moved in. Just as other downtown buildings were adding underground parking garages, the Woodward Building converted a section of its ground level to a bike room.

Two decades ago, there remained a handful of unrenovated historic buildings in downtown Washington. With their fanciful façades, columned entrances, crackling radiators, and below-market rents, these edifices became refuges for Washingtonians who came to do good, even if they don't always do well. One by one, each has undergone a makeover: the Southern Building in 1987; the Evening Star Building in 1990; the Investment Building in 1997; the Bowen Building in 2005. Many of the Woodward Building's final tenants are themselves refugees from prior renovations, including the bicylists' association and the bespeckled private eye on the seventh floor with a penchant for bellowing from his open door.

The *Monthly* itself arrived in similar fashion in 2001, soon after our then-office building on Connecticut Avenue—whose tenants included TV-Free America, the Student Environmental Newswire, and the Women's Collective—was gutted to make way for a ladies' clothing store, Ann Taylor Loft. The jackhammers had begun churning up the basement while we were still typing away upstairs, our computers shrouded in plastic sheeting to protect them from the clouds of dust. After inspecting row houses in Columbia Heights and office suites in Rosslyn, neither of which seemed Washington enough for *The Washington Monthly*, our real estate agent escorted us downtown to the Woodward.

It's hard to get more Washington than this. At least once a day, our offices resound with sirens from official motorcades parading below along 15th Street. Various protesters file by along the same road, en route to Lafayette Park or the National Mall, interrupting our editorial pow-wows with chants and drums. In the months before the invasion of Iraq, the lobby became an ad hoc staging area for various demonstrations, while Code Pink organized marches out of its fifth-floor office, essentially a large broom closet, with "Stop the War" and "No Blood for Oil" banners unfurled for painting in the adjacent hallways. Earlier this year, when a man parked his van at the end of our block and claimed to have a bomb inside, we peered out of our windows to find that the streets had been cordoned off, bomb squads sent in, and seemingly every other building on the block evacuated.

Soon, though, the Woodward will indeed be empty. The hallways are already crowded with moving boxes; signs advertising Ikea office furniture for sale are posted in the lobby. The *Monthly* is packing up for the International Building, a more recently renovated and more expensive (though not *too* expensive) building a few blocks away. Meanwhile, there's talk of donating the old elevators to the Smithsonian.

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The Early-Warning Economy

The time to think about helping displaced workers is before they lose their jobs. **By Gene Sperling**

To many Americans, the benefits and burdens of a fast-paced global economy may seem like tropical weather. It is generally enjoyable for those who bask in it, but when the torrid winds of change flatten your community, your dreams, and even your sense of economic dignity, the costs can seem absolutely brutal.

While we as a nation are committed to taking preventative steps to detect and warn communities threatened by natural disaster—and to share in the rebuilding process when havoc is wreaked—when it comes to auto workers, as well as whole swaths of the textile manufacturers or computer programmers, threatened by the high winds of global competition, we do pathetically little to take preemptive steps or to offer serious assistance to those who have seen their economic livelihoods leveled. Even when we can see years in advance that certain workers and communities will be vulnerable, the only options we offer them are either last-minute trade protectionism or economic devastation with a sprinkling of ad-hoc, confusing adjustment assistance. If we want to maintain public support for vigorous competition, innovation, and open markets to raise the economic tide, it is becoming increasingly clear that we need a new cost-sharing compact to help lift up the boats that are sinking.

The need for a new direction has never been greater. The face of economic anxiety about job loss is far more diverse than even a decade ago. Fear of dislocation due to global competition used to be largely the province of factory workers in communities dependent on a single manufacturing industry. Today, large parts of the white-collar community—from travel agents to software engineers—feel that same fear. But in addition, these worries are growing deeper. For many workers, the biggest concern is not simply the temporary depression of losing a job and the weeks of inconvenience and financial stress. Instead, their anxiety is often a fear of falling: the dread that a plant closing, outsourcing, or restructuring will force workers to take jobs with substantially lower pay, resulting in a permanent lowering of their standard of living and a knock to their sense of economic dignity.

These fears are not unfounded. Nearly half of workers displaced between 2001 and 2003 who found new full-time work by February 2004 agreed to take lower pay, according to the Department of Labor's Displaced Worker Survey. A recent study by Princeton professor Henry Farber found that as a group, these workers faced a 17 percent decline in wages due to displacement, more than double the 7.8 percent decline similar workers experienced between 1997 and 1999. Perhaps even more troubling, as family finances have become more volatile, the median decline in income for families that do fall has increased from about 25 percent in the 1970s to more than 40 percent today, according to research by Yale professor Jacob Hacker and Nigar Nargis of the University of Dhaka.

While we can only hope that these trends are temporary, this rational economic anxiety creates both risks and opportunity for policy. With more workers questioning the benefits of globalization, technological advance, and open markets, the constituency for self-defeating protectionism could grow. At the same time, if directed properly, these concerns could boost support for bolder, more effective policies for dealing with job loss, giving workers dislodged by global competition second and third chances at upward economic mobility, and ensuring that job loss—while always painful—need not devastate a family's standard of living.

Gene Sperling is a senior fellow at the Center for American Progress, the former National Economic Advisor to President Bill Clinton, and author of *The Pro-Growth Progressive*, available November 2005.

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Preempting burial insurance

It's not hard to understand why some politicians have been reluctant to rally to the cause of hammering out policies that deal with the consequences of job dislocation. Most workers, after all, want to hear about how to save their jobs—not what to do after they lose them. During the 2004 Democratic presidential primary, I was asked to join an initial conference call on policy issues for Gen. Wesley Clark. After listening to him, I commented to his policy director, Jason Furman, that it was refreshing to hear a politician so interested in retraining policies. Most candidates, I told Jason, usually complained that audiences said they didn't want to hear about "burial insurance." On the very next call, the general immediately asked me to guess the response he got when he spoke to workers about retraining. "Burial insurance," he said. "They called it burial insurance."

Indeed, a major shortcoming of our current adjustment policy is that it is almost entirely reactive. Virtually all adjustment assistance is triggered only after one loses a job or a factory closes down. It's no wonder workers see retraining as "burial insurance"—it's only about what help one can get after one's job has been given last rites.

One way to make the system more preemptive and empower individuals to take control of their own career paths would be to establish Flexible Education Accounts. These accounts would be a new and improved version of the Lifetime Learning Tax Credit (LLTC), passed by President Bill Clinton. The LLTC—which provides an annual tax credit of 20 percent on up to $10,000 in expenses—was an important recognition of the need for continual learning in the new economy. Yet, even though I was part of the team that crafted the LLTC, it is clear to me that covering a small fraction of education costs each and every year is not necessarily the right solution for workers who need substantial new education or training. Most workers need, in our increasingly dynamic economy, not a little help each year, but significant help once or twice a decade when they face a dislocation or the need to upgrade their skills.

Flexible Education Accounts would provide a 50-percent tax credit on up to $15,000 per decade. By allowing people to apply the entire tax credit in one single year or over a few years of intensive education, the program offers workers a large portion of education or training costs when workers need it most—whether they have lost a job, hope to get a promotion, plan on changing careers, or want to learn new skills to start their own businesses. Just as importantly, Flexible Education Accounts would give workers something they lack now: a preemptive option that provides them assistance not only after they've been laid-off, but also whenever they feel their job may be at risk or decide they need to change fields. We should also pursue a more robust, preemptive agenda of business incentives, wage credits, and early-warning teams to aid communities at the point it is clear they are under siege—and not only after the factory doors have been nailed shut.

One-stop shopping

Once job loss does take place, we also need to make the aftermath less scary and overwhelming for workers. Every American knows where to order pizza, a DVD, or Chinese food, and yet few have the slightest idea of where to go—or know what is available to them—when they lose a job. About 40 percent of unemployed Americans receive assistance through Unemployment Insurance. But outside of that program, most Americans have little sense of what their options are during what is often an extremely disorienting and frightening experience.

One reason for the confusion is that in order to keep costs low, adjustment initiatives often restrict eligibility in ways that are confusing and out of touch with current economic reality. For example, only those workers who lose jobs due to trade can access the most significant training assistance. That means that although millions lost jobs or faced long-term unemployment last year, only about 150,000 workers received Trade Adjustment Assistance (TAA). It is simply nonsensical to extend special benefits to this small group when job loss due to technological change or domestic competition is just as painful, and as it becomes increasingly more difficult to even determine the exact cause of job loss. Our adjustment assistance system will never be simple, accessible, and universal as long as arbitrary distinctions determine who can or cannot get the help everyone deserves.

Moreover, in a world where Target, Costco, and Wal-Mart compete to satisfy every consumer need with a single park of the car, we should have true one-stop shops for helping workers through hard economic times. The 1998 Workforce Investment Act—which first introduced one-stop shop for workforce development was a good step—but we need to move toward a system where a worker can apply for unemployment insurance, retraining, health and even mortgage insurance, all in one place. Under our current system, however, unemployment offices and worker retraining centers are rarely in the same building. We need to establish centers that focus on service, helping workers cut through various government bureaucracies and empowering people to make choices that work for them by helping them explore and understand their options with guidance from trained professionals.

Fear of falling

Certainly, the ideal way to deal with job dislocation is to give workers an opportunity to prepare for job changes before they happen and to make the transition

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as smooth and unthreatening as possible. But once workers have lost their jobs, we need a way to help them avoid debilitating economic losses while at the same time providing incentives for them to reenter the labor force. The most promising way to accomplish this is wage insurance.

Under a basic 50-percent wage-insurance program, dislocated workers who find new work would receive 50 percent of the difference between their new wage and the wage in the job they lost if it paid more. If a worker took a one-third pay cut—say, from $30 to $20 an hour—wage insurance would bring their hourly earnings up to $25, recovering half of the $10 gap between their old and new pay.

This design empowers workers directly and encourages work. Wage insurance that replaced all of an individual's lost wages or kicked in before she found a new job could provide a disincentive to jump back into the workforce. But because the protection is triggered only when a worker finds a new job—and because the worker will always be better off with a higher wage—she will have a strong incentive to find both another job and the highest wage possible.

Economists Robert Litan and Lori Kletzer have led the charge in calling for wage insurance in the United States, but so far the government has made little progress towards providing this kind of protection. In 2002, Congress created a small wage insurance pilot program within TAA. Under this program, workers can opt to forgo most TAA benefits—including training assistance—and instead take 50-percent wage insurance, covering half of lost wages for up to two years. But the program is too limited. Only the few workers who can prove they lost their job because of trade are eligible—and even amongst that small group, only those over the age of 50 and making less than $50,000 can receive the insurance benefit. In 2003, only 42 workers even used the program.

Fortunately, there are ways to structure wage insurance that would make it meaningful for all American workers and flexible enough to accommodate whatever fields become threatened in future job markets.

Since the last thing we need is another adjustment program linked to trade or that turns on how a worker lost their job, any displaced worker who has held their job for two years should qualify regardless of the cause of their job loss. Similarly, while the 52-year-old worker who lacks a college education and has few transferable skills may be in the greatest need of wage insurance, we know that the 37-year-old laid-off father of four faces significant financial stress even if he ultimately will have greater opportunities to build a new career. One solution is to make wage insurance apply to workers in their late-30s and 40s as well as their 50s, but to make the length of wage insurance longer for older workers. While those below 50 might be eligible for only one or two years of protection, it would be extended significantly longer for those older than 50 to help work new jobs without serious distress until they are closer to becoming eligible for early Social-Security benefits.

Any serious wage-insurance program must also eliminate the absurd current requirement that workers forgo retraining assistance in order to receive insurance benefits. Unless policy-makers see wage insurance as a permanent solution to falling wages for dislocated workers, such initiatives should not discourage the new education that might lead to a higher-wage job.

We should also consider new ways to extend wage insurance to more workers or allow them to opt for greater protection. According to McKinsey Global Institute, companies exploring offshore outsourcing to cut costs could offer generous wage insurance to full-time employees for less than 5 percent of the savings companies realized from outsourcing. The government could provide financial incentives to encourage employers to offer these plans. Because payouts would be time-limited, there would be little risk that companies would be saddled with long-term legacy costs.

Finally, because broader coverage of wage insurance would mean higher costs, we should experiment with pilot programs that offered workers the voluntary option of paying a small premium to receive extensive wage insurance. While such an optional program runs the risk of drawing only the most vulnerable workers with the spreading of economic anxiety, chances are such an option could be popular with a broad spectrum of workers.

Pro-growth, pro-worker

Despite a fragile job market and the increasing pace of globalization, American workers are still largely on their own when it comes to coping with—and rebounding from—job loss. The main impediment to progress on a substantial upgrading of worker adjustment assistance is the "starve the beast" fiscal strategy of the Republicans who control Washington. While a few Republicans—such as former U.S. Trade Representative Carla Hills—have advocated substantially expanding adjustment assistance, as long as those in power continue pursuing a strategy of driving deficits through the roof with unpaid-for tax cuts and prescription-drug spending and then seeking to use this burgeoning debt to justify cutting the very areas of domestic spending that help workers recovering from job loss, the odds of passing a major expansion of worker-adjustment assistance remains low.

To ignore the growing unease in our workforce is to risk a backlash against the very dynamism that our economy depends on. Instead, we need—and our workers deserve—new pro-growth policies that both encourage work and investments in workforce development while helping families cope with the pain of dislocation. ◆

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Bush's Ownership Society: Why No One's Buying

By Paul Glastris

Art by Fred Harper

Conservatives have a knack for taking good ideas—say, patriotism or faith—to the sort of ideologized extreme that brands the ideas as theirs and leads liberals to abandon them. We're seeing that now with the issue of choice and individual empowerment. Those very concepts used to be associated with liberal causes like abortion and voting rights. But over the last couple of decades, conservative intellectuals have roped them to a larger agenda to revolutionize government.

And they're perfectly open about it. Talk to scholars at the Cato Institute or the Heritage Foundation or to movement organizers like Grover Norquist, and they'll walk you through the strategy. Big government and individual freedom, they'll explain, are opposed to each other; more of one means less of the other. The three big areas of non-defense-related government spending are retirement (mainly Social Security), health care (mainly Medicare and Medicaid), and education (mainly K-12 public schools). For political reasons, it is practically impossible to cut spending in these areas. But it is possible to dismantle the government bureaucracies that administer them in a way that enhances personal freedom and makes possible big cuts down the road: privatize the benefits.

The father of this line of thinking is Milton Friedman. In the 1950s and 1960s, the conservative economist dreamed up the notions of education vouchers and private accounts for Social Security. Republican operatives and think tankers seized on Friedman's ideas in the 1970s, expanded them into areas like health care, and fleshed out their philosophic and political logic. Vesting individuals with more choice, control, and ownership of their government benefits, they argued, would not only enhance virtues like personal responsibility, but over time, it would also result in the shift of hundreds of billions of tax dollars from the custodial care of government to the corporations that would help manage people's private accounts. Best of all, from the conservative point of view, it would transform the electorate's political identity. Instead of government-dependent supporters of the Democratic Party, voters would become self-reliant followers of the GOP.

These ideas are the intellectual fuel of the conservative movement that has swept across the country in recent decades. They were well understood in the Reagan administration, and the Gipper's speeches are suffused with them. But it has only been in the last few years, with both Congress and the White House in conservative Republican hands, that the ideas have truly debuted.

Now, the reviews are in—and they are not good.

Consider President Bush's effort to sell the public on private Social-Security accounts. Last September, when he first began talking about the idea on the campaign trail, it looked like a winner, with 58 percent support in the polls. By December, only 54 percent favored his proposal. By February, following his detailed explanation of private accounts in his State of the Union address, support fell to 46 percent. And by June, when informed that private accounts would be paired with cuts in benefits for future retirees—as the president himself admitted they would have to be to have any impact on Social Security's long-run finances—27 percent of voters gave their approval, a level of support below that for legalizing marijuana and gay marriage.

Or consider another high-profile element of what Bush

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calls the "ownership society": giving individuals more control over their government health-care benefits. In 2003, the president signed a landmark measure providing prescription drug coverage to Medicare recipients, with massive subsidies to lure beneficiaries into private plans. Prior to the law's passage, 90 percent of the public supported the idea of government helping seniors with drug costs. Today, a scant 31 percent of Americans have a favorable impression of the new program. It's possible that, once the benefit actually goes into effect beginning next year, seniors will flock to it gratefully. But an interim effort offering seniors a choice of drug discount cards doesn't inspire confidence. Only 6.4 million seniors wound up getting the drug discount cards, a million fewer than the government predicted. Low-income seniors who signed up for the card were given an extra $600 subsidy to help defray the cost of co-pays—a benefit the government estimated would lure 4.7 million low-income seniors into the program. Only 1.9 million lower-income seniors actually did sign up.

Finally, consider the president's efforts to give parents more choice over the schools their children attend. Under Bush's No Child Left Behind Act, millions of students in failing schools can now transfer to other schools in their district. It is the grandest experiment in public-school choice ever attempted, and polls show overwhelming support for it. In practice, however, only about 1 percent of students in failing schools annually have taken advantage of the opportunity. That could mean that districts aren't eagerly publicizing the choice provisions, or that parents aren't impressed with the array of often-dysfunctional public schools they have to choose from. That's why conservatives say the federal government should go the next step and provide students with vouchers for private schools. Yet a two-year-old federal voucher experiment in D.C. that provides low-income students a hefty $7,500 to attend private schools has garnered only modestly more interest. Only 7 percent of families with children eligible for the vouchers have applied for them.

You can begin to see a pattern here. Americans love the idea of choice—in the abstract. But when faced with the actual choices conservatives present, they aren't buying. The reason is that conservatives have constructed choices that fail to take human nature into account. People like to have choices but feel quickly overwhelmed when they lack the information or expertise to decide confidently, and they turn downright negative when the choices themselves seem to put what they already have at risk. Conservatives were bound to make these mistakes because their very aim has been to transfer more risks from government to individuals so that government's size and expenditures can be cut. That's not a bargain most Americans will accept. They like choice just fine, but they won't trade security to get it.

That's not to say individual choice and control can't be applied intelligently to government. In fact, doing so may be key to achieving important progressive aims like universal health care. But designing policies that use choice and that Americans would actually embrace won't make government weaker. Rather, it will require government to be stronger.

Dozen card Monte

It's understandable that conservatives would think that giving individuals more choice and control over government services would be an easy sell. After all, consumers increasingly enjoy these things in the marketplace. Everything, from cars to computers to pastas, now comes in an astonishing array of styles, colors, and configurations. Consumers today have access to new tools that shift control to them, and the younger they are, the more comfortable they are with that control. No one under 30 these days calls a travel agent; they use Orbitz.

But as choices and individual control have expanded, economists and behavioral psychologists have begun to document some unexpected ways people actually react to these new marketplace choices. Swarthmore social theorist Barry Schwartz explored their findings in his book *The Paradox of Choice*. On the one hand, notes Schwartz, having control and choice clearly benefits us. People who peruse a variety of options before choosing tend to make objectively better decisions. There are important psychological benefits as well. The ability to express one's identity via the choices one makes—in everything from the clothes we wear to the charities we contribute to—greatly increases human happiness.

On the other hand, having an ever-expanding number of choices doesn't necessarily make us happier, just as bigger and bigger food portions don't make us healthier. Indeed, too many choices tend to stress us out. Even trivial choices often require expenditures of time and energy to make informed decisions. When the variables are too numerous, people often decide that the effort isn't worth it. In one study, individuals were offered tastes of six different exotic jams and given a coupon worth a dollar off any of the jams. Another group was offered a choice of 24 jams and a coupon. Those in the first group were more likely to buy jam than those in the second.

As choices have proliferated, we feel overwhelmed, as if we're losing control—the very opposite of the feeling choice is supposed to bring. These anxieties, plus the natural human tendency to procrastinate, means that most people, most of the time, respond to choices by doing nothing. They choose not to choose.

The prescription-drug discount-card program is a classic example. The program seemed designed to give seniors more stress than savings. There were dozens of cards to choose from. Each card was good at only certain pharmacies. Each covered only certain drugs. And the amount of discount for each medicine varied by card. With so many possible permutations, figuring out which card was the best deal was largely guesswork. According to surveys conducted for the government by Apt Associates Inc, seniors complained that they "found the multiplicity of choices to be overwhelming." Those who did sign up for the cards gen-

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Choice can be a powerful tool to advance public ends as long as one ironic truth is recognized: People like having choice but often don't like to choose.

erally liked them—though many said they found better prices at Costco without using the cards. Yet more than half of card users didn't shop around. They just accepted the first card they heard about (usually from their pharmacist). And the few seniors who did comparison-shop for cards reported only slightly higher levels of satisfaction than those who didn't.

The big flaw in the drug discount-card program was the complexity and incomparability of the choices it provided seniors. Had the GOP lawmakers and administration appointees who designed the program been less enamored of market principles and corporate lobbying agendas and been willing to impose stricter guidelines on the participating companies, so that the different features of the cards could be more easily compared, more seniors might have participated. After all, the program did offer Medicare recipients something they wanted and didn't have: financial help paying for prescription drugs.

The more intractable problem with the president's ownership society is its effort to inject choice and control into benefits people already have. Here, the culprit is not complexity but risk. Behavioral economists have described what's known as an "endowment effect": People are psychologically prone to be exceptionally risk-averse with benefits they already have. With his Social-Security private-accounts proposal, the president was in essence offering voters a variety of ways to have less retirement security. The reaction should not have been a surprise. Surveys by the Pew Research Center found that 60 percent of those who opposed private Social-Security accounts said they worried about the risk—to themselves, to others, and to the system as a whole.

Conservatives may have been blindsided by the public's rejection of the president's plan because they assumed that most Americans share their fundamental assumptions about government: that more of it is bad, less of it is good. On an abstract level, many people do feel that way. The line in the president's stump speech, that the American people can be trusted to spend their own money better than the government, usually gets an applause. But when forced to consider concrete alternatives, Americans often wind up putting their trust in the collective efforts of government to protect their security rather than in themselves. Though the president succeeded in convincing the public that Social Security has long-term financial problems, he did not convince them that shifting control and choice to individuals was the solution. Rather, polls showed huge majorities favor such measures as raising the income cap on payroll taxes to inject more money into the current system—in other words, making government bigger, not smaller.

The same dichotomy, between the choice people say they want in the abstract and what they actually want in practice, exists in other realms. For instance, conservatives have looked at polls and focus groups and convinced themselves that individuals are willing to accept more responsibility for their own health care. That's why so many on the right who detested the high cost of the prescription drug law are excited by one of its provisions, that would set up Health Savings Accounts. These are tax-favored 401(k)-like devises that allow individuals to "own" their own health care and make their own health care decisions. But in the end, will the public really welcome more individual responsibility over health care? Consider this: sixty-five percent of people polled say that if they got cancer they would want to choose their treatment options. But 88 percent of people who actually have cancer say they don't want to choose their treatment, preferring instead that their doctors do so. "Having the opportunity to choose," writes Schwartz, "is no blessing if we feel we do not have the wherewithal to choose wisely."

Forcing a decision

It would be easy and natural for liberals to react to the failure of Bush's Ownership Society with a "Phew, that was close. Now, we don't have to think about choice anymore." That would be a mistake, for two reasons.

First, it's not like the right is suddenly going to stop pushing these ideas just because Bush himself failed to sell them. The voucherizing of government is part of the guiding vision of modern conservatism. Entire organizations are funded primarily to achieving it. The problem with Social-Security private accounts, Grover Norquist recently told me, is "nothing that can't be solved with 60 Republican votes in the Senate."

Second, as reform-minded progressives from author and speechwriter Andrei Cherny to British Prime Minister Tony Blair have been at pains to argue, the public's aspirations are changing. People want and receive more choice and individual control in the marketplace, and for all its

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frustrations, they rather like it, and will naturally expect more individual choice and control from government, too. Conservatives have tapped into a real yearning. What they've failed to do, for ideological reasons, is apply these concepts in ways that actually solve problems. Liberals are in a much better ideological position to actually deliver on the demand for more individual control and choice. The only obstacle is realizing that liberal policy goals can be advanced by smart proposals that let citizens make their own decisions.

An instructive example is public housing. Back in the early 1990s, Jack Kemp, George H.W. Bush's charismatic Housing and Urban Development secretary, was pushing the idea of selling off public housing to tenants and letting those tenants manage their own buildings. It was a classic early example of "ownership-society" thinking—Kemp called it "empowerment"—and it was, when you think about it, highly dubious. Is it really a favor to saddle the responsibility for maintaining decrepit high-rise buildings in terrible neighborhoods on the tenants who are stuck there, many of whom have trouble managing their own personal lives? Kemp wanted to fix the places up first, but the cost would have run $100,000 per unit in 1990 dollars—enough, noted OMB Director and Kemp nemesis Richard Darman, to buy each tenant a condo.

Kemp's ideas, well-meaning as they were, went nowhere. It took his successor in the Bill Clinton administration, Henry Cisneros, to figure out an "empowerment" strategy that actually worked.

Cisneros and his advisers—including Chief of Staff Bruce Katz and Assistant Secretary (and later secretary) Andrew Cuomo—figured out two important truths. First, they understood what urban experts had been saying for years: that the heart of the problem of public housing was the way it concentrated poverty in one place. Second, they grasped that to address this problem would require using certain choice-enhancing, market-based tools long favored by Republicans and disparaged by Democrats—namely, housing vouchers and tax credits for developers.

And so, with the backing of the president and GOP moderates in Congress, Cisneros and his team implemented a sweeping plan to break up that concentrated poverty. The department forced local housing authorities to tear down broken-down, crime-ridden public-housing complexes. It encouraged the building of low-rise replacement public housing or gave departing residents Section 8 housing vouchers to help find private apartments in better neighborhoods. It also provided private and non-profit developers tax credits to build or rehab apartment buildings with rules requiring that they rent to a mix of both poor and working-class tenants.

These largely unsung efforts helped drive the renewal of many urban centers that took place in the 1990s. Not enough time has passed to know how effective they were in improving the lives of HUD's poor. But surveys by the Urban Institute show that those who left public housing did wind up in somewhat better neighborhoods, and that former residents "generally perceive themselves as being better off," with better housing conditions and fewer mental-health problems.

Notice how Cisneros's reforms were structured. They utilized policies that empowered individuals (housing vouchers, tax credits). But they relied on strict government regulation to guide the process towards a goal (breaking up concentrated poverty) that public officials determined was in the best interests of tenants and the nation. And they understood that most people, most of the time, will choose not to choose, and so they forced the issue. Individuals could move to other public housing or to temporary housing until the new low-rise developments were finished, or take a Section 8 voucher, but staying in condemned public housing wasn't an option.

Libertarian paternalism

Choice, then, can be a powerful tool to advance public ends as long as one ironic truth is recognized: People like having choice but often don't like to choose.

This concept is at the center of a brewing movement within public-policy circles, one that Cass Sunstein and Richard H. Thaler of the University of Chicago have affectionately, if cheekily, dubbed "libertarian paternalism." The idea is for government to shape the choices people have so that the natural human tendency to avoid making a decision works to the individuals' and society's advantage.

For instance, many private-sector employees don't participate in company-sponsored 401(k) programs, even though participation is hugely in their financial interest (employees can invest pre-tax dollars and watch their money grow tax-free until the money is withdrawn). Lower-paid employees are the least likely to participate because they reap fewer tax benefits, seldom receive a company match, and are often living paycheck to paycheck. But the biggest reason lower-income employees don't participate is the hassle factor. The forms are a bother to fill out. They don't know much about investing. They can't decide where to put their money. They choose not choose.

Understanding this, some clever officials in the Clinton administration changed the rules governing 401(k)s to allow for "automatic enrollment." Henceforth, firms could choose to automatically put aside a percentage of all employees' wages in 401(k) accounts. Employees would have the ability to "opt out" of the program, thus retaining the right to choose, but would have to take the initiative themselves in order to exercise that right. In practice, few do. A study of companies that instituted automatic 401(k) enrollment, by economists Bridgette Madrian and Dennis Shea, found that participation rates for employees making under $20,000 annually rose from 13 percent to 80 percent.

Imagine if every company in America automatically enrolled its employees in 401(k)s, IRAs, or similar retirement accounts? That one simple step might do more to strengthen America's retirement system than any number of changes to Social Security (at no cost to the federal trea-

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sury).

Scholars think this "opt-out" concept could be applied to a wide range of policies that are vitally important, broadly supported politically, but plagued by low participation rates. Why not automatically enroll all owners of homes on floodplains into the federal-flood insurance program? Why not automatically enroll all eligible low-income working families into SCHIP, the health-insurance program for children of such famlies?

A related strategy for dealing with the natural human reluctance to choose is the one used by Cisneros: compel people to make a choice. The New America Foundation has proposed making health insurance mandatory, as auto insurance is, with federal subsidies for lower-income workers to be able to buy private policies.

That idea could be combined with another one popular in liberal circles: A universal health-care initiative that would allow individuals to buy into the health-insurance program for civil servants, the Federal Employees Health Benefits (FEHB). Under FEHB, workers choose from an array of private insurance plans pre-selected for quality and efficiency by the government. Also, those plans must disclose price, coverage, and other information in standard ways, so that employees can make apples to apples comparisons before choosing. It's no coincidence that federal workers report higher levels of satisfaction with their health care than most Americans working in the private sector.

Education is another area where structured choices might be beneficial. New Democrats have long supported giving parents more choice via charter schools. The jury's still out on whether charter schools produce any real educational benefits, and the schools themselves are prey to sabotage by the education bureaucracies. But studies suggest charter schools do have two advantages. First, parents who chose them for their kids do seem to like them. Second, the act of choosing tends to inspire more parental involvement and a more cohesive school culture, two attributes typical of successful schools.

One way to capture those benefits within larger school systems with large numbers of failing schools would be to make choice mandatory. Parents would have the option of putting their children into one of several schools in the district, including their neighborhood school. But not choosing would not be an option. Several districts have experimented with this idea. The most famous was District 4 in East Harlem, New York. In the 1970s, the district launched an experiment which combined mandatory choice with relaxed rules that allowed groups of administrators, teachers and parents to form small schools-within-schools focused on unique curricula—art, science, technology etc. The results were public schools with strong cultures and more parental involvement, and while not all students benefited, test scores rose substantially.

There are plenty of good reasons, then, for progressives to embrace the idea of designing more choice and individual control into government programs. But doing so means facing down some major opposition—from corporations that don't want to be regulated to liberal interest groups that often oppose choice initiatives. Liberals also have to stop accepting the right-wing proposition that choice and empowerment are somehow inherently conservative ideas.

But it's conservatives who face the bigger obstacle. They are committed to a strategy of using choice as a Trojan horse to undermine government, yet it's impossible to make choice work in the real world without strong measures from government. With choice, as with so much else, conservative have mastered the art of winning elections with abstract language voters agree with, even as they push policies voters don't much like. They can't pull that trick off forever. At some point, conservatives themselves are going to have to make a choice. ◆

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The New Progressivism

Conservatives say they want to use choice (school vouchers, private accounts in Social Security) to shift power from government to individuals. We think that conservatives' real aim is to shift more risk onto individuals in order to cut government, and that only liberals can deliver a choice revolution in government that people would actually want (see "Bush's Ownership Society," page 14). But we also believe progressives should go a step further, with policies that shift power from corporations to individuals.

After all, protecting the little guy against corporate shenanigans (of which there is plenty today) is a traditional mission of progressivism. Yet for most of their history, progressives have sought to empower government agencies (think SEC and OSHA) to do the protecting. That's still a worthy and necessary impulse. But there's another, more populist strain of that tradition, one that has sought to use government to empower individuals to protect themselves (think Ralph Nader's 1960s consumer movement). We've been wondering if it might not be possible to update that sort of thinking. And so we asked the five writers whose work follows to come up with ways to strengthen the hand of the average American in the 21st-century marketplace.

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You Own You

When identity thieves open an account in your name, it should be the bank's problem, not yours.

By Kevin Drum

In 1995, a freelance editor in Washington, D.C., named Anne Meadows began a five-year nightmare when she got a call from an alert employee of BellSouth, who warned her that she had become a victim of identity theft. A year earlier, she learned, thieves had stolen her name, address, and Social-Security number from a government office, and that was all they needed to go on a binge. They had created fake IDs, cashed a government check made out to her, and applied for credit at several establishments in Atlanta.

That's bad enough. But the story gets even scarier because at this point, Meadows did everything she should have done. She called every business the ID thieves had tried to scam and told them not to extend credit to the impostors. She called First Union National Bank and told them not to let the thieves open a checking account. Then she contacted all three of the national credit reporting agencies and had a fraud alert put on her record to prevent the thieves from obtaining credit elsewhere.

None of it did any good. First Union opened a checking account for the thieves anyway, and they then went on a check-writing spree through Atlanta. An oil company gave them a credit card. TeleCheck, a check verification agency, tagged *Meadows* as a deadbeat when checks in her name started bouncing—they refused to clear her name unless First Union called them, but First Union refused to help. This lack of cooperation from the credit industry meant the problem took years to resolve: In January 2000, almost five years after Meadows had first found out about the ID theft, a bank employee loudly turned down her application to open an account "because of all those bad debts you left behind in Georgia."

Today, Meadows's problems are mostly over, but she still shudders when she remembers the experience. "I've had my house broken into and my car broken into," she says, "but nothing compared to this. Nobody did anything about it but me, so I kept on being repeatedly victimized. I was guilty until proven innocent."

It's common knowledge that the problem of identity theft is growing out of control. Two years ago, the Federal Trade Commission estimated that one in every 25 Americans is a victim of identity theft each year, netting a cool $50 billion for the thieves.

The dynamics of the process are all too simple. First, the thieves steal enough personal information—usually just a name and Social-Security number will do—to apply for a credit card in someone else's name. They can get this information from any of the countless institutions, large and small, that have access to personal data: banks, credit reporting agencies, credit card issuers, government agencies, universities, even doctors' offices. They might use an insider who works there—sometimes they pose as temps—or hack into the office database. Alternatively, the thieves set up scams that ask people to sign a phony petition or provide their information to a telephone pollster "for our records." Sometimes they just steal information from people's wallets or trash cans. Then, the thieves wield this information to apply for credit cards or other forms of commercial credit, which they use for buying sprees on someone else's tab. Since the subsequent bills are sent to a phony address, the victims are unlikely to discover what's happened until the day they're denied a loan because of all those unpaid credit card bills. By then, their credit report looks like Anne Meadows's, or worse.

Identity theft would be much harder—and the costs to victims much lower—were it not for the carelessness of the credit industry and of other institutions that handle personal data. Many institutions that handle sensitive personal data don't do enough to keep it safe. This year alone, there have been widely-reported security breaches at Time Warner,

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Bank of America, and data-brokers ChoicePoint and LexisNexis, involving the loss of personal information about millions of people. There's probably little that can be done to prevent thieves from getting information from doctors' offices, or from people's wallets, but it's currently far too easy for them to get it from large corporations or from institutions such as government agencies and universities.

In addition, credit-card companies and other credit lenders—banks, oil companies, and department stores, among others—rarely exercise significant oversight before signing up new customers. So, when thieves apply for a new credit card using pilfered information, they are rarely turned down.

Finally, and most devastatingly, credit-reporting agencies routinely add negative information to credit scores without checking whether all those unpaid bills might have been the result of identity theft. And they're slow and uncooperative when it comes to correcting their mistakes.

The credit industry and other data-handlers behave as they do because in many cases, no one but the victim cares about identity theft. Despite the passage of ID theft legislation last year, institutions that handle personal data pay a very small price when that data is stolen. And when credit card companies and others offering credit fail to look adequately into applicants and end up extending credit to thieves, they also go largely unpunished.

For their part, the major credit-reporting bureaus—Experian, Equifax, and TransUnion—don't seem to care much about the accuracy of their credit reports. In fact, they actually have a positive incentive to let ID theft flourish. Like mobsters offering "protection" to frightened store owners, credit-reporting agencies have recently begun taking advantage of the identity-theft boom to offer information age protection to frightened consumers. For $995 a month, Equifax offers "Credit Watch Gold," a service that alerts you whenever changes are made to your credit report. Experian and TransUnion offer similar services. In effect, customers are being asked to pay credit agencies to protect them from the negligence of those same agencies.

One way to cut down on identity theft would be to require commercial credit-reporting bureaus to offer services like this to all their consumers for free. After all, the credit-reporting agencies are the ones who are failing to ensure that their reports don't unfairly penalize victims of ID theft. Roughly speaking, this is the European approach: Although implementations vary from country to country, all members of the European Union heavily regulate the credit-reporting industry using guidelines that, ironically, are based on principles drafted largely by the United States in the late '70s but never adopted here.

But while a certain amount of regulation is sensible—requiring credit-reporting companies to send credit reports to all their customers every year would be a good start—it might not be the best way to fix the problem. As the last five years have shown, on issues ranging from the environment to pharmaceuticals, regulations are only as strong as the regulatory impulses of the administration charged with enforcing them. The institutions to blame for identity theft aren't currently the ones who pay the bulk of the price. To fix that inequity, we need to shift the cost from the victim to those who can actually do something about it.

There is a successful precedent for this type of approach. In 1968, Congress passed the Truth in Lending Act, which imposed a variety of regulations on the lending industry. One notably simple provision was that consumers could be held liable for no more than $50 if their credit cards were stolen and used without their authorization. For anything above that, it was the credit-card issuer who had to pay. The result was predictable: Credit-card companies have since taken it upon themselves to develop a wide range of effective anti-fraud programs. Congress didn't tell them to do it, or even how. It just made them responsible for the losses, and the card issuers did the rest themselves.

The same method should be used for identity theft. There's no need to create mountains of regulations, which are uniformly despised by the credit industry. Instead, simply make the industry itself—and any institution that handles personal data—liable for the losses in both time and money currently borne by consumers. The responsible parties will do the rest themselves.

How would this work? Congress could assign specific minimum values—statutory damages—for each of the acts associated with identity theft. Extending credit without conducting adequate background checks, or issuing a faulty credit report thanks to undiscovered theft of identity, might be worth $10,000 per incident. Losing someone's personal information in the first place might be worth less—perhaps around $1,000—since only a small percentage of cases of information loss ultimately lead to a full-fledged theft of identity.

The establishment of statutory damages would allow consumers to bring personal or class-action lawsuits for any of these transgressions. (Currently, such suits are difficult to win because breaches of privacy are extremely hard to value—some courts even flirt with the notion that privacy has no value at all.) And consumers would not need to show that those responsible for the theft acted negligently. When your money is stolen from a bank, the bank is liable no matter how diligently it tried to protect it. That's why banks take care of your deposits. If the credit industry and other data-handlers knew that the legal system would hold them responsible for extending credit to impostors, issuing inaccurate credit reports, or losing data, you can bet they'd figure out better ways to stop those things from happening.

The beauty of this solution is that by giving the credit industry a financial stake in solving the problem, it uses market-based self-interest rather than top-down federal mandates. Instead of relying on a regulatory agency to levy fines—or not levy them, depending on the administration—it gives companies an incentive to change their behavior. Under this plan, credit agencies would no longer charge consumers for "credit protection" services. Rather, they would beg consumers to make use of them, free of charge and with maximum ease of access. Credit issuers and other businesses that offer credit would quickly stop opening up new accounts

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without adequate background checks. And companies that handle personal data would finally get serious about implementing effective safeguards.

On a more basic level, the plan relocates the burden of responsibility for identity theft in a way that makes intuitive sense. If a company makes a mistake—by neglecting to conduct adequate background checks before extending credit, by issuing inaccurate credit reports or by failing to safeguard sensitive information—that company pays the price. It shifts power from corporations to individuals, based on a simple principle: Regular people should not have to go out of their way to protect themselves and their financial identities.

Identity crisis

Perhaps the chief objection to this approach comes from those who believe that Americans are already too quick to turn to tort-based remedies. We're all familiar with the crude caricature—painted by the business community and their allies in the Republican Party—of class-action lawyers as greedy and unscrupulous shakedown artists. But there are also serious economists who argue against torts on the grounds that they are intrinsically less predictable than regulatory solutions, since businesses can never be entirely sure what the law allows and what it doesn't until a jury decides a case. As Walter Olson of the Manhattan Institute puts it, "It's like saying, instead of writing a regulation, we'll tuck it away in an envelope and open it five years from now."

But in the case of ID theft, this might actually be a virtue. Michael Froomkin, a law professor at the University of Miami, points out that technology regulation is inherently problematic because innovations develop too quickly for Congress and the regulatory bureaucracies to keep up with. Identity theft is a new and rapidly-changing problem, one in which the details of responsibility vary greatly from case to case. There are benefits, therefore, to an approach that allows us to leave the specifics to be weighed separately in each instance, rather than relying on a one-size-fits-all regulatory solution.

Another objection to the tort approach is that many ID-theft victims don't know where the theft occurred, or have had their information stolen from their own wallets or trash cans—making it impossible to bring a lawsuit against the institution responsible for losing it. These victims, however, would still have entities to hold responsible: The banks or credit-card issuers that improperly offered credit to the thieves, and the reporting agencies that unfairly downgraded their credit. And victims who do know where their ID was stolen from would have an even wider range of targets. Indeed, consider what would have happened if this solution had been in place earlier this year when ChoicePoint was forced to admit that it had lost records containing personal information on 145,000 people. Under current rules, they have paid little price outside of some public embarrassment. But at $1,000 a pop, they would have been liable for $145 million—and a business-friendly attorney general wouldn't be able to help them out by lowering the fine or deciding not to pursue the case. It's a good bet that the episode would have motivated ChoicePoint—and just about every other company that handles large amounts of personal data—to keep that information safe next time.

Class-action suits are an inherently democratic remedy, putting enforcement power in the hands of consumers and their advocates instead of the government. They also put money in victims' pockets. In a recent study, law professors Theodore Eisenberg of Cornell and Geoffrey Miller of NYU found that, contrary to conventional wisdom, attorney's fees in class action suits average only about 20 percent—even less in large cases. Fully 80 percent of the damages go directly to consumers.

Indeed, the plan's ability to put consumers in control is one of its chief benefits. Framed as a way of increasing the power of ordinary Americans at the expense of large corporations and the federal government, it could be a political winner. And since Republican fealty—both ideological and financial—to the business lobby will likely prevent the party from uniting behind the idea, it could even help Democrats with one of their most urgent tasks: addressing the financial concerns of ordinary Americans. ◆

Art by Marc Arundale

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Viewer Discretion

Parents should be able to pay for Nickelodeon without having to pony up for MTV.

By Zachary Roth

It seems almost quaint that not too long ago, television producer Steven Bochco could ignite a raging controversy about popular entertainment and public morality with a shot of Dennis Franz's bare butt and the occasional "asshole!" in a line of dialogue. Ten years, one Janet Jackson wardrobe malfunction, and countless "Real World" threesomes later, there is hardly a line still uncrossed on television. Nudity? Profanity? Violence, sex, drug use? It's all there, often on some of the best shows television has seen. From "The Wire" to "Weeds" to "The Sopranos," cable and satellite television provide an oasis of smart adult entertainment. That's not to say, however, that parents want their 9-year-olds stumbling across one of these shows on the way to "That's So Raven."

Fully 86 percent of Americans are very or somewhat concerned about what children see on television, according to a Pew Research Center study released earlier this year. And two-thirds say that television entertainment is worse than it was five years ago, with indecency overwhelmingly cited as the reason.

Congress is considering increased fines to address indecency on broadcast television. But for cable channels like MTV, VH1, BET, and others—which are seen by anti-indecency advocates as the worst offenders—that approach won't necessarily work. At the same time, overworked and overextended parents need help. And, at the moment, parents who want to exert some control over what their children see in their own homes have few good options.

Of course, no one's being forced to get cable. But over the last decade or so, the centrality of cable to American life and culture has steadily increased. If you want to watch much of the professional baseball, basketball, or hockey playoffs, for instance, (sometimes even including the finals), you need cable. In-depth financial news, as well as the vast majority of children's programming—including channels such as Nickelodeon and The Disney Channel—are simply not available on broadcast station. That's putting an increasing number of American parents in an unenviable catch-22: Either forego cable and cut themselves off from mainstream American culture or risk exposing their children to material they view as indecent and harmful.

Getting the V-chip to work

Given this reality, the respective responses of conservatives and liberals are almost comically unhelpful for parents. Congress has made noises about extending fines for indecency on broadcast television to cover cable programming. But as Federal Communications Commissioner Jonathan Adelstein recently warned, any attempt by Congress to regulate cable content would likely be struck down by the courts on free speech grounds. Even if such efforts did pass legal muster, fines are an overly blunt way to protect children; the viewers most affected would be adults whose entertainment options in the privacy of their own homes would be limited by government. There's a word for that: censorship.

At the same time, liberals and libertarians—fearful

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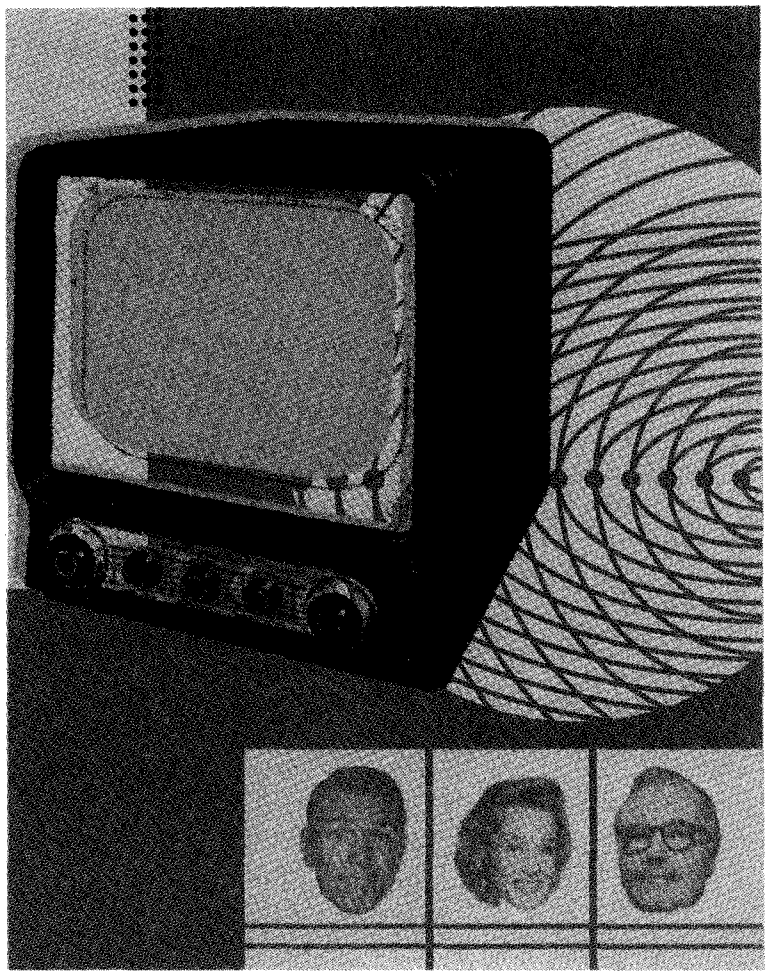
that any attempt to control access to content (even for children) will lead to censorship—suggest that parents concerned about indecency simply change the channel or turn off the TV. This displays a willful ignorance of how modern life is actually lived. After completing a full workday, a time-consuming commute home, errands, and preparing dinner, parents are lucky if they have an hour at the end of the day to spend with their children and partners. Teenagers, meanwhile, frequently arrive home from school by 3 or 4 in the afternoon, well before any adults. Indeed, Pew found that 59 percent of parents are present for only half—or less—of the time their children spend watching television. The "change the channel" argument also does nothing to ease the concerns of parents who seek to avoid having their kids exposed to indecent material in the first place. As Justice John Paul Stevens wrote in the landmark 1978 indecency case, *FCC v. Pacifica*: "To say that one may avoid further offense by turning off the radio when he hears indecent language is like saying that the remedy for an assault is to run away after the first blow."



What about technological solutions? Recent innovations allow customers to block those channels they don't want to receive, either through their cable company or by using their cable set-top box. But this is often a complicated and time-consuming process. Cable companies aren't eager to help customers block channels because they are required to report to programmers the number of clients blocking a certain channel—high numbers of blocked channels do not make the companies popular with programmers. Customers who don't relish the prospect of haggling with their cable company in order to implement the blocking option often give up. Similarly, using the set-top box—as with the V-chip, which was hailed in the 1990s as the answer to parental concerns—is hardly a simple task, nor is it always 100 percent effective. Inevitably, few parents have availed themselves of the technology.

But the real problem is that all of these solutions place a burden on parents. Requiring busy parents to master the intricacies of the set-top box, wait around all day for the cable guy to show (or not show), supervise every instant of their children's television viewing, or renounce cable entirely gets things precisely backwards. Parents should not have to go out of their way to protect their kids.

I want my MTV

There is an easier—and arguably fairer—way to ensure that those parents who want to control their children's television watching at home can do so. And it's a solution that doesn't add to the to-do list of already-frazzled mothers and fathers. Congress can require cable companies to offer customers the chance to select programming on an a la carte basis. Currently, cable companies force customers to select one of a handful of packages of channels, and to pay a fixed rate for that package. Families that want the Disney Channel but not MTV are out of luck. Under an a la carte system, customers signing up for cable service would be offered—in addition to the standard package options—a list of individual channels, each sold separately. Subscriptions to most channels would likely cost around two dollars each. Customers could then select, and pay for, only the channels they wanted. Parents who

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object to certain channels could choose only those they considered family-friendly. Those without kids, or who aren't worried about television content, could continue happily watching MTV, Showtime, and Spike TV.

This approach elegantly solves the problem of protecting children without using the government to regulate content, or imposing an undue burden on parents. And it works by empowering individuals, thereby bringing cable into line with the range of other modern-day activities and services that emphasize choice, putting consumers—not corporations—in the driver's seat. We have come to expect a level of control and personal customization unimaginable 20 years ago. As media consumers, we no longer have to rely on a handful of national newspapers or major television networks, but can now choose from a vast array of blogs and news sites, each tailored to a particular political or cultural outlook. As patients, we can research our own symptoms online instead of relying on doctors for all of our basic medical information. Even as sports fans, we can create and customize our own teams through fantasy leagues. But in the world of cable television, the logic of the take-it-or-leave-it package deal still reigns. An *a la carte* system would end that anachronism, shifting control from cable companies to individuals.

In doing so, it would give parents real control for the first time over what their kids watch on television. "What we want more than anything," says Lanier Swann of Concerned Women for America, "is for parents...to have the opportunity to choose for themselves what they deem appropriate in their own home."

Free cable for Christ

The major cable providers won't give up control without a fight. They launched an extensive lobbying and public relations campaign—in a delicious bit of ironic casting, they hired former Christian Coalition executive director Ralph Reed—aimed at warding off government action and parrying the efforts of conservative Christian activists who support a la carte. To date, most of their efforts have been aimed at making the argument that an a la carte system would raise cable rates—they point to a report issued by the FCC last year that came to a similar conclusion. But while there is significant evidence to suggest that "bundling"—selling separate but related products as a package—can confer economic benefits, it is unlikely that most consumers would ultimately pay more under a la carte since they would be buying far fewer channels.

Cable companies also claim, with some merit, that their hands are tied by the programmers, who seek to use their most popular channels to support their least popular. All four of the major programmers—Disney (ABC), Viacom (CBS), General Electric (NBC), and the News Corp. (FOX)—who are responsible for the vast majority of television programming, insist in contract negotiations that cable companies accept the entire range of channels being offered, not just the few that customers actually want. Rupert Murdoch used that strategy to make the FOX News Channel a near-overnight success, requiring cable companies that wanted to offer consumers his other FOX channels to make FNC part of their standard package when it launched in 1996. But any legislation mandating a la carte would also prevent programmers from employing these coercive negotiation tactics. Cable companies would make a concession to their customers on one end, but on the other they would be getting out from under the thumb of powerful programmers.

What this fight is really all about, however, isn't the threat of short-term economic loss or the relationship between cable providers and programmers. Instead, cable companies see *a la carte* as the first battle in the coming conceptual struggle over cable television. Over the last 20 years, cable companies—along with the major programmers—have grown used to enjoying something close to total control over how Americans watch TV and what they watch on it. Now, they face competition on all sides, from phone companies moving into the cable market and from satellite service. As devices that increase consumer control (like Tivo, digital video recorders, and Internet-based television) become cheaper and more popular, the underlying profit model of the industry—based on the increasingly dubious proposition that viewers will sit through discrete 30-second advertising spots—will likely undergo radical change. Cable companies are desperate to ensure that the basic lens through which customers view their cable service—as a package deal that they take or leave—remains intact. And that means fighting proposals such as *a la carte* to the hilt.

As in a growing number of debates, this could come down to a struggle between the socially conservative and business wings of the Republican Party. Over the past few years, an odd bed-fellows coalition of conservative Christian organizations and consumer advocates has lobbied to demand changes in the cable industry. They had something to cheer about earlier this year when Michael Powell, who was known to be hostile to *a la carte*, stepped down as FCC chair. His replacement, Kevin Martin, is a strong ally of the anti-indecency movement—Martin recently hired Peggy Nance, an anti-pornography activist and former board member of Concerned Women for America, as a special adviser on indecency issues. And last month, Martin told a conference of investors in Charlotte, N.C., that to address parental concerns, cable companies should allow customers to choose the channels they receive: "It's important for parents and families to have more tools to have more control over content." Ultimately, the old abortion-rights slogan "Who decides?" may be what rallies social conservatives and consumers to pressure Congress for change. Because "parents" is still a better answer than "corporations." ◆

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Taking Charge

Attention credit card companies: When we want you to charge us hidden fees, we'll let you know.

By Robert Gordon and Derek Douglas

In 1949, a finance executive named Frank McNamara invited two friends to dinner at Major's Cabin Grill in New York City. At the end of the meal, McNamara found that he had forgotten his wallet, and he was forced to call his wife for money. McNamara vowed never to face that humiliation again. He made good on the vow: A year later, he returned to Major's and this time paid the bill with a new product—a small piece of cardboard.

Thus was born Diners Club, the world's first credit card. Within a year, 20,000 such cards were in circulation throughout the country; today, there are 1.5 billion—five for every American man, woman, and child. What in McNamara's day was a convenience that allowed the rich to dine out without cash is now a staple of middle-class life.

Credit cards have proliferated for many reasons. Some are economic: At a time when average earnings are stagnant, when sudden income drops because of layoffs or health problems are common, and when public and private insurance systems have frayed, families increasingly turn to credit cards to serve as their financial safety net. The growing reliance on plastic is also about culture: Americans love freedom. Just as the invention of the mass-produced automobile gave us the freedom to travel wherever or whenever we wished, credit cards allow us to spend money in ways and at times that work for us.

These freedoms, however, make both cars and credit cards dangerous if they are used improperly. The difference is that in the past 40 years, we've taken steps to make automobiles safer. As cars became an integral part of middle-class life, traffic fatalities rose sharply. In the 1960s, thanks largely to the efforts of consumer advocates, Congress passed landmark safety legislation that led to mandatory seatbelts and rear-window brakes lights. The new rules reduced accident rates and made those crashes that did occur less deadly (the auto fatality rate has dropped 57 percent since 1966).

While cars continue to become safer, credit cards are becoming more dangerous. Of course, cards don't kill, but they threaten families in other ways. Credit-card debt totaled $685 billion last year, and the problem is getting worse: In the last decade, credit-card debt rose by about 70 percent. Although economists debate whether rising costs or rising consumption have contributed more to that trend, there is no question that most Americans experience the debt as a burden. Seventy percent of American families said last year that they are carrying so much debt that it is making their family lives unhappy; three times more young people are worried about going deeply into debt than about a terrorist attack.

Credit cards are especially dangerous because of the business practices of credit-card companies. Buried in those offers you receive daily in the mail from banks like MBNA and Chase are fine-print contract terms not subject to negotiation. Cardholders who miss a single payment may be hit with two separate charges: a $39 fee and a penalty interest rate of 24.99 percent or higher. Those who mistakenly go over their credit limit no longer have their cards declined. Their purchase is charged, along with a $35 fee and—you guessed it—the 24.99 percent penalty rate. These fees can quickly double or triple the underlying debt on the card. Perhaps most egregiously, even families who pay their bills on time can be hit with penalty rates. Under a practice known as "universal default," companies can raise rates based on a change in a customer's credit score, a dispute he has with another creditor, or even a purchase he makes that they don't like. These new rates apply even to old credit, so if you bought a washer and dryer and new clothes for the kids, all at 7.99 percent interest, you can get socked with a 24.99 percent rate—even if you have made every payment on time.

Practices such as these are great for the industry's bottom line. From 1996 to 2003, the money credit-card companies make from fees has more than quadrupled, to $7.7 billion. Families aren't making out quite as well. Penalty fees and interest combined now cost average credit-card holding households more than $800 each year. All told, Americans cough up about $90 billion annually in interest and penalty payments on cred-

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it cards. That's $90 billion that could have gone into car repairs or college tuition or savings accounts—and ends up in company bottom lines instead.

For families with adequate incomes, that $39 fee may be just an annoyance. For families on the edge, a cascade of penalties and fees can mean economic ruin. Both in the United States and abroad, there is a clear correlation between rising credit-card use and increasing rates of bankruptcy. At a time when more Americans have no choice but to depend on consumer credit, more families find their cards offer no safety net at all—they are instead, in the words of Harvard law professor Elizabeth Warren, a cement life raft.

Stable families shouldn't be slammed by fees they had no reason to expect. And struggling families shouldn't be getting pushed into bankruptcy by companies purporting to offer them a solution to their problems. This doesn't mean we should take credit cards away from borrowers, any more than the consumer safety movement meant taking cars away from drivers. But it does mean that we need to make credit cards safer to use, with measures that honor Americans' freedom but empower them to protect their own financial interests.

Read the fine print

For much of American history, most states had laws that effectively capped interest rates. In 1978, however, the Supreme Court ruled that an obscure 1863 law allowed banks to charge up to the maximum interest rate stipulated by the legislature in their home state, not the interest rate of the states in which they do business. Predictably, credit-card operations quickly relocated to states such as Delaware and South Dakota that do not regulate interest rates. Nearly 20 years later, in 1996, the Court applied the same logic to credit-card fees. Credit cards were effectively deregulated.

All that remains of consumer credit protection today are weak disclosure requirements. Companies must include a box on all bills with key rate and fee information. But these details are confusing even to lawyers: A typical MBNA disclosure box contains 18 different Annual Percentage Rates (APRs). And some critical information doesn't even have to be put in the box. Consider Chase's breathtaking assertion that "we reserve the right to change the terms of your account (including the APRs) at any time, for any reason." It's buried in small print on the back of a form.

In addition, companies are not required to disclose basic terms of credit, such as how much time and money a customer will have to spend in order to pay a bill if they make the minimum payment. Car companies and mortgage lenders give customers this information, but credit-card companies have fought to make sure that they don't have to.

This refusal to disclose basic information takes advantage of something credit-card companies know about human nature. As New York University's Oren Bar-Gill has explained, consumers systemically underestimate their own borrowing demands, and then overestimate the likelihood that they will pay off their cards. This explains why they are drawn to the zero percent teaser rate while dismissing the threat of the 2999 percent penalty down the road. With the steadily escalating pace of modern life, most consumers also have little time to devote to personal finance. That's one reason why tens of millions of Americans carry high-interest debt on their credit cards, even though they have real money in checking accounts.

All of this figures directly into the credit-card issuers' business plans. Companies expect that many customers will fail to meet payment deadlines, so they encourage heavy initial borrowing—No annual fee! Zero interest for 90 days!—and then, under terms buried in fine print, collect huge sums when the cardholder misses a payment, goes over her limit, or carries a balance. As Andrew Kahr, a consultant to the credit-card industry, notes, companies view those who fail to pay in full and on time not as delinquents, but as profit sources.

Yes, please, I would like triple interest

A traditional liberal approach to this crisis of credit would be to restore limits on interest rates and fees, knowing that banks would respond by cutting off card offers to many Americans. But the goal should not be to save consumers from themselves by making it impossible for them to get credit cards. It should be to give consumers the means to manage their credit wisely, and to reset the entire system so that consumers don't have to go out of their way to avoid being fleeced. Americans need more than the freedom to follow their worst instincts into bankruptcy. They need the information and tools to make the best choices for themselves.

Congress should enact a "Credit Card Users' Bill of Rights" designed around two basic principles. First, when busy Americans sign on the dotted line and get their new cards, the fundamental rules should work for them, and not just for the companies. Second, consumers should have access to all the information they need—and in the form they need it—to make wise long-term decisions for themselves. What they choose to do with that information is up to them.

The benefits of this first principle can be clearly seen by considering another financial instrument: tax-free 401(k)s. Worker participation in 401(k) plans is notoriously low, even for those who have private, taxed savings elsewhere. That is largely because people don't like the hassle of signing up for this type of plan. But when companies simply change the default rule—automatically enrolling employees into 401(k)s, with the opportunity to opt out if they want—participation rises dramatically. A smart pro-savings policy, as advocated by the Brookings Institution's Peter Orszag, would shift employer-sponsored savings plans from "opt-in" to "opt-out" across America.

Much as families don't engage in tax-free saving that would benefit them financially, they also carry costly balances on their credit cards even when they have money sitting in a checking account. Here, too, the way to reduce the waste is to reduce the hassle. When signing up for a card, companies should be required to have a policy of linking their customers' credit cards to their checking accounts. Those accounts would be set up to make automatic regular payments—the full bill, a minimum payment, or some amount in between. Customers could choose to opt out of the system or to override the payment in a given month, and some would. But a customer's bill

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would be paid automatically unless she requested otherwise. Such a system would significantly reduce the chance of incurring late fees or higher interest. In Japan, where a similar practice is in place, consumers carry far less debt.

This very simple tactic—changing the default position so that customers are automatically enrolled in bill-payment plans instead of having to take affirmative steps to opt into such services—can be applied to deal with other credit card hassles. The most egregious industry abuse is the practice of "universal default," in which a company retroactively raises interest rates, even for customers who never missed a payment with the company itself. Few credit card companies engaged in this practice until recently, and even today less than half do so; there is no reason to believe such a tactic is necessary for business. Congress should require companies to drop this tactic unless a consumer specifically authorizes them do so in exchange for lower fees or better benefits.

Changing the default rule would also help with one additional problem: over-the-limit charges. In the past, if you handed a waiter a maxed-out credit card, he'd come back and tell you your card was declined, and you'd have to pay in cash, with another credit card, or by doing the dishes. Now, as a "service," companies accept the charges on a card that has reached its credit limit, and then they impose a large fee. Companies should be required to get approval for the practice—either by letting consumers sign up in advance (which few likely would) or by giving customers a choice at the point of sale. The latter is essentially what now happens when you use your ATM card at a bank that is not your own—you are warned before going ahead with a transaction that it will impose a $1 or $2 charge. Without customer approval, the over-the-limit transaction would simply be declined. This requirement wouldn't prevent customers from exceeding their limit when they actively chose to do so. But it would make sure that they do not unknowingly incur these charges.

Finally, consumers need to know the risks associated with their credit cards. Companies have information about their cardholders' borrowing habits—how much debt they have taken on in the past, how often their payments have been late, and what costs can be expected if they continue borrowing at similar levels. Credit-card companies use this information to make all sorts of decisions about consumers, including whom to target with which offers. It is only fair that customers get the same information. Credit-card companies can and should give customers informed predictions about their future borrowing: for instance, "If you borrow in the next two years like you borrowed in the last two years, you will pay $1,200 in fees and interest." And they should be required to include this information on bills.

In addition, a rating system could help consumers judge the risks involved with different cards. Years ago, federal regulators created crash-test ratings to inform car-buyers of the safety risks associated with various models. A similar system for credit cards could use a simple "Red-Yellow-Green" formulation to rate cards based on the potential costs to borrowers—fees, penalty interest rates, and the frequency with which they are imposed. In addition to helping consumers protect themselves, such a system would help create a market for more "green cards." These might offer fewer bells and whistles—not as many frequent-flier miles, perhaps an annual fee—but they would also have lower penalty fees and interest rates. Consultants like Kahr say that there isn't a market for such cards. But the auto industry once offered the same line: "Safety doesn't sell." Actually, it does, as companies like Michelin and Volvo know well. But it only sells if the government helps build the market first.

Crash-tested credit cards

To listen to credit-card companies argue that high levels of consumer debt are not their fault is to hear, ringing in your ears, the complaints of the auto industry 40 years ago. It's a matter of "personal responsibility," the credit companies say. They can't help it if consumers can't help themselves. In the 1960s, car companies also cited personal responsibility, blaming "the nuts behind the wheel" for high accident and fatality rates on the road.

As Americans recognized then, personal and social responsibility aren't mutually exclusive. People make mistakes, but government can help reduce the rate of those mistakes and soften their impact when they do occur. That's what features like better brake lights and seat belts do. Credit cards need to be re-engineered in the same way.

With a few honorable exceptions, politicians of both parties have mostly ignored credit abuses. As the debacle of the bankruptcy bill demonstrated once again, the companies are influential donors. The consumer groups that care most about debt are not powerful players in either party. And the entire personal-debt problem is often overlooked by campaign professionals who focus on the issues they've always known, such as jobs, health care, and Social Security.

But countless Americans already experience the hardship of unfair lending practices, and those who feel it most acutely are the working-class families whose support progressives have been losing. Merlot Democrats may fret about how to arbitrage frequent-flier miles for discounts at L.L. Bean, but cash-strapped parents worry about whether they'll even make a dent in next month's credit-card bills. At a time of widespread economic insecurity, the ranks of those families are only increasing.

Many Democratic policy solutions depend on tax increases or government program expansions, but the battle against abusive credit-card practices demands neither. It simply requires that progressives honor one of their simplest, noblest commandments: Stand up for regular people. Not by providing for them, but by giving them the tools to protect themselves. The abuses of the credit-card industry cry out for a new consumer-protection movement. Progressives ought to lead it. ◆

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The Joy of Flex

Employees shouldn't need an excuse to get flexible work schedules. Employers should need a reason not to give them.

By Karen Kornbluh

A generation or more ago, it would have been impossible to envision the life of the American worker as it is lived today. A flood of women into the workforce has fundamentally changed the face of employment, largely for the better. Families are better able to increase their household income, and companies have benefited from the ability to tap female talent. But at home, working Americans have a dwindling amount of time to spend with their families. The parent who was home in the afternoon when kids came back from school, or cared for family members—young or old—who fell ill, is now hard at work. A snow day now creates a parent's Hobson's choice: leave a child alone or call in sick and maybe risk losing your job.

The stress over how to strike a balance between work and family worries parents. A 2002 report by the Families and Work Institute found that 45 percent of employees say that work and family responsibilities interfere with each other, and 67 percent of working parents say they do not have enough time with their children. But it's not a problem limited to individual families—the work-family puzzle concerns their fellow Americans as well. Last year, pollsters Anna Greenberg and Bill McInturff found that more than three-quarters of likely voters feel it is difficult for parents to earn enough and still have time for their families; 84 percent agreed that children are shortchanged when their parents have to work long hours.

The failure of the workplace to make accommodations for working parents is one of the biggest unmet demands of American voters. Shrewdly, Republicans understand this, but they have used it in order to promote a solution that doesn't solve the problem. During last year's presidential campaign, George W. Bush made a direct appeal to working mothers, running an ad in the final weeks that featured a mother driving home from work and growing increasingly exasperated as the radio told her that John Kerry would raise her taxes. To these mothers, Bush offered so-called "comp-time," which he claimed would help them balance work and family responsibilities by letting them choose time off instead of overtime pay as compensation for extra hours worked. But under Bush's plan, workers who accrued comp-time wouldn't have the freedom to decide when they would use it. Employers could make workers redeem the time when it was convenient for them, not for the employees.

There are, however, strategies that do give parents a way to both work and retain control over their own schedules without shortchanging their families—everything from telecommuting to job-sharing to flex-time. But these arrangements are primarily available to those with well-paying, white-collar jobs; more than half of all workers have no control over how their hours are scheduled. This may be the reason why politicians and policymakers have, for the most part, failed to focus on the work-family balance issue in a serious way. Not everyone has the same kind of malleable—if still busy—schedules they enjoy.

As the expectations and demands of the workplace have expanded over the past few decades, we have allowed onerous hours and schedules to become the norm, and we have assumed that employers have the right to demand that workers adapt to these harsh schedules or face the consequences. It's time to change the presumption that accepting a job means handing control of your life over to your employer. There is a clear role for the government here: expanding federal support for childcare and after-care, for instance. But there is also something that government can do that wouldn't be costly to the federal budget, something that employer groups would have a hard time opposing, and that is already working in the United Kingdom—empower workers to ask for flexible scheduling themselves.

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My job, my time

American politicians aren't the only ones who have to worry about appealing to soccer moms. Since the mid-1990s, the New Labour agenda has reflected an attempt to identify and address the concerns of working mothers—and fathers. Five years ago, Tony Blair's government introduced an initiative intended to give working parents more flexibility without impinging on business competitiveness: the "Work-Life Balance Campaign."

The policy, which went into effect in 2003, works like this: Any parent with one or more children under the age of six, who has worked at least 26 consecutive weeks, has the right to file a written request with his or her employer for a change in working hours—be that in the form of compressed hours, flex-time, telecommuting, job-sharing, shift-working, or staggered hours. The employee must explain exactly how the proposed schedule would work and offer solutions to any inconvenience that might be caused to the employer. For their part, employers are required to meet with any worker who has filed such a request within four weeks to discuss the proposed plan, and they must notify the employee of a decision within two weeks of that meeting.

This is a philosophical shift from the assumption that employers always have the right to dictate hours and employees are always required to accept the schedules they are assigned. But while it is fundamentally pro-worker, the policy is not anti-business. While workers may request a change in their schedules, employers are not obligated to approve the request. They may in fact refuse for a number of broad reasons, including the fact that an altered schedule would impose additional costs on the employer or harm a business' ability to meet consumer demand.

Today, the "Right to Request" policy is considered a great success by British businesses, workers, and the government. After the first year, nearly one-quarter of all eligible employees—approximately 800,000 parents—successfully reduced or rearranged their work hours. Out of all of the requests that were filed, 86 percent were granted either partially or in full. And the country's Association of Human Resources Managers found that most employers reported no significant problems in complying with the new legislation.

How did the British manage to take an antagonistic negotiation and turn it into a policy hailed by both employers and employees? For one thing, they cast the initiative as a cooperative venture, one through which productivity and families stood to benefit. Before the policy went into effect, the government launched a massive public education campaign aimed at convincing employers that happy employees are more productive employees. They encouraged the formation of an organization called Employers for Work-Life Balance, which allows businesses to share their solutions (or "best practices") for flexible scheduling. In addition, the government set aside funds to give as grants to employers who want to hire a consultant to help them implement the policy. The fact that the U.K. has strong labor unions and universal health care played a major role as well.

By requiring employers to explain in writing their reasons for declining a request for flexible work-time, the initiative also leverages a powerful social force: shame. Now employers must publicly state what they would prefer to keep quiet and unsaid. It's one thing to believe that business goals are more important than employee schedules; it's quite another to state for the record that you'd rather Jane didn't pick her children up from school because you prefer holding staff meetings at six in the evening. By throwing daylight onto some of the unreasonable burdens that have been placed on employees without any debate and without their agreement, the initiative creates a real dialogue between employers and employees.

Courting the wife vote

It's not a secret that Democrats have been losing ground among married women. Despite John Kerry's health-care plan, despite his message that Republican policies were squeezing the middle class, and his targeted child-care and after-school proposals, 55 percent of white working class women polled on Election Day said they trusted Bush to handle the economy; only 40 percent trusted Kerry.

Perhaps some of these women heard this part of Bush's stump speech: "The times in which we work and live are changing dramatically. The workers of our parents' generation typically had one job, one skill, one career, often with one company. . ..And most of these workers were men. Today. . .in one of the most dramatic shifts our society has seen, two-thirds of all moms also work outside the home. This changed world can be a time of great opportunity for all Americans to earn a better living, support your family, and have a rewarding career. And government must take your side."

Bush is right, but so far his policies have not matched his rhetoric. Despite the promises, government is too often not on the side of working parents. And so there is an opportunity for progressives in both parties to get behind a pro-family and pro-business initiative that would give working parents the simple right to ask for a more family-friendly schedule. It doesn't require employers to grant the request, but it does tell parents that it is okay to stand up for their own interests. For many workers who have been conditioned to do as they are told on the job, that is a radical new shift.

A new flexibility presumption would give working parents many more ways to juggle their responsibilities and would hand them control over their lives. And it could be expanded to all caregivers—in addition to working parents, more than 22 million working Americans provide care to another adult. There is hardly a constituency that isn't affected by the struggle to balance work and family responsibilities. We haven't yet landed on the right solution, but if we enlist the help of employees themselves, we just might get there. ◆

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Player of Choice

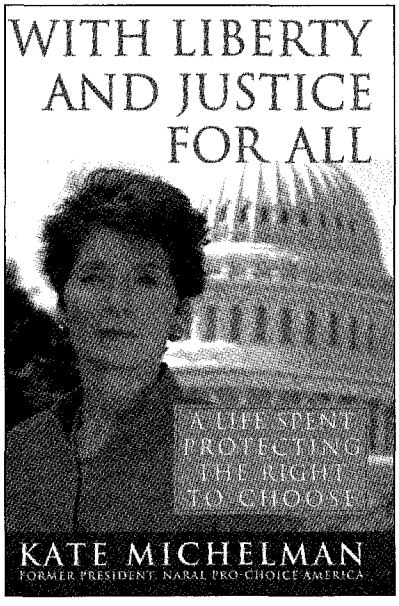
How ex-NARAL head Kate Michelman learned to play by Washington's rules—and was taken down by them.

By William Saletan

Twenty years ago, Kate Michelman came to Washington to take the helm of the National Abortion Rights Action League. She inherited a movement that had won the right to abortion in the courts but couldn't defend it at the polls. Her adversaries controlled the presidency, the Senate, and, within two years, an apparent majority on the Supreme Court.

By 1993, Michelman and her allies had turned the tide of war. Pro-life politicians were losing elections, defecting, or assuring voters that abortion was constitutionally untouchable. The court had flinched from overturning *Roe v. Wade*. Pro-choicers held the White House and Congress. If Michelman had retired then, her memoir might have been a tale of triumph. Instead, it's a plea. Pro-lifers have captured every branch of government and enacted the first federal abortion ban. The Democratic Party is rethinking its position. "The arc of history is bending into a circle," she laments.

How did this happen?



With Liberty and Justice For All: A Life Spent Protecting the Right to Choose
By Kate Michelman
Hudson Street Press, $24.95

The first thing you have to understand is where Michelman came from. She was a stay-at-home Catholic wife. She bore three children in three years by relying on the rhythm method for birth control. Then her world fell apart: Her husband left her; she found out she was pregnant with a fourth child; she aborted the pregnancy; she went on welfare. Gradually, she got back on her feet. Trained in child development, she became an administrator of social service nonprofits, going from child care to family planning to abortion. The sequence is important. Michelman ended up in the abortion rights debate because she saw what unwanted births did to mothers and kids.

Years ago, Michelman explained this to me for a book I was writing about her and the movement. She wanted someone to write her version of the story. I demurred and wrote my own, but I see in her book the same person I saw then: a gentle idealist toughened by Washington, making brutally rational decisions but determined to see the best in people. She was treated badly by doctors—particularly the hospital panel that interrogated her before granting her pre-*Roe* abortion—but she defended them against restrictive legislation and harassment. She was treated badly by men, especially her first husband, but she defended all the harassers and adulterers—Bill Clin-

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ton, Bob Packwood, Chuck Robb—who stood with her for abortion rights.

The toughness came when she had to choose between half a loaf and nothing. In 1989, she helped Doug Wilder become governor of Virginia, overriding pro-choice purists who objected to Wilder's support of mandatory parental consent for teenagers' abortions. In 1992, she allowed federal pro-choice legislation to be stripped down, hoping to pick up enough votes to pass it. In the 2000 presidential primaries, when Bill Bradley claimed to be more reliably pro-choice than Al Gore, Michelman endorsed Gore and rebuked Bradley, killing Bradley's candidacy.

This memoir explains each of these decisions. Michelman makes good arguments for the difficult calls of her early years. But by the end, she is blinded by earnestness. "Bradley called himself 'the only candidate who's always been pro-choice,' a charge I felt was unfair," she writes. Unfair? Bradley was right: Gore had previously supported pro-life legislation and had opposed Medicaid funding of abortions throughout the Clinton administration. So why did Michelman endorse Gore? Because, she argues, "If Bradley succeeded in raising questions about Gore's commitment to reproductive rights, it would be difficult to mobilize pro-choice voters when, as every serious observer expected, the Vice President won the Democratic nomination." Michelman the welfare mom had become Michelman the power-broker, deciding which candidates would live or die, going not by their voting records but by their electoral prospects.

Even in retrospect, Michelman can't see this episode for the throat-cutting it was. She sees herself not as Bradley's executioner but as Gore's loyal friend. That's why she's baffled that the same was done to her. First, Clinton cut a deal with Republicans to sacrifice international family planning funds. Then, John Kerry's campaign scratched her from a rally, fearing she would offend Catholics. Then, the Democratic Party began recruiting pro-life Senate candidates and pushing pro-choice hopefuls out of the way. Democrats are treating women's rights as "the easiest ballast to cast overboard," Michelman protests. But that's politics. One day, you're chucking ballast; the next day, you're the ballast.

How did abortion rights become a burden for Democrats? Michelman says it never was. But I think the story begins in 1993 when pro-choicers gained control of Washington. "Rather than judging and controlling the decisions women made, the nation could focus on improving the conditions that shaped their lives and choices," she writes. It's easy to see why a woman who was interrogated by a panel of doctors hates the idea of judging abortions. The word "judgment" appears throughout her book, always with distaste. But most Americans do judge abortions. They think all abortions are tragic, and some are worse than others. Many pro-choice people believe that. So do most women who have abortions. Pro-choice activists thought the era of judging abortion was over. It wasn't.

Michelman thinks the tide turned against her in the mid-1990s, when pro-lifers began running ads with the message, "Life, What a Beautiful Choice." NARAL's pollster found that the message worked. He pointed out that NARAL spoke to the public only when abortion rights were threatened; it had no everyday values message to counter the appeal of babies and motherhood. Michelman's answer was an ad campaign touting choice as a value. "I have a strong will to decide what's best for my body, my mind, and my life," said the female narrator. Michelman's favorite ad showed a woman preparing to dive into a pool. "The image cut to the heart of the issue: a strong, decisive woman fully in control of her life, taking risks and responsibility," she recalls. The heart of the issue? Diving? The change of subject betrayed weakness. On abortion, NARAL seemed mute. It didn't understand that choice wasn't a value. Choice was a framework within which values needed to be aired.

In Michelman's memoir, you can see hints of what NARAL could have said and might yet say. She was drawn to the issue by the idea of healthy families and children. Her most compelling arguments for the public funding of abortion involve women who might otherwise die and orphan their kids. The women who initially persuaded Clinton to veto the Partial-Birth Abortion Ban Act were those who had had unhealthy pregnancies but managed, thanks to that procedure, to have healthy children afterward. Parenthood is a powerful theme. Why not embrace it wholeheartedly?

Because that would require an admission that abortion is bad. In her closing pages, Michelman vows to protect abortion rights "without apology." Yet in the next sentence, she writes that "every woman would prefer to avoid this choice if she can." Which is it? Here and there, she notes that birth control and sex education could make abortion less necessary. She challenges pro-lifers to pursue that project but never quite says the same to pro-choicers. Nor does she mention the print ads NARAL once tried on that theme. Why not? Maybe they felt too preachy. "We never rendered value judgments on what the woman should do," Michelman says of her early days with Planned Parenthood. "That was her choice. That was *Roe*'s ultimate promise." No. *Roe*'s promise was freedom of choice, not freedom from judgment. You can't stop us from judging, any more than you can stop us from having sex. It's our nature.

William Saletan is *Slate*'s national correspondent and author of *Bearing Right: How Conservatives Won the Abortion War.*

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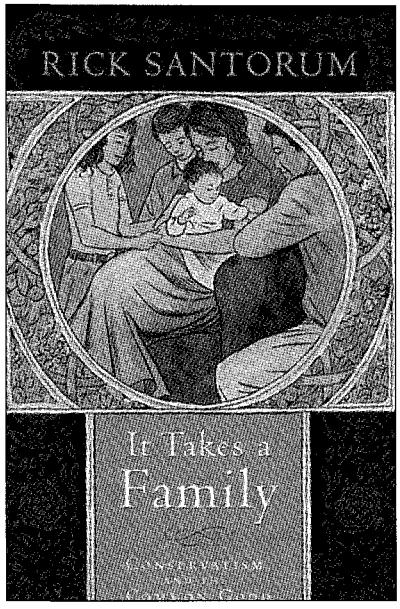
Scold War

By putting families, not individuals, at the center of his philosophy of freedom, Sen. Rick Santorum misreads two centuries of American political thought.

By William A. Galston

This is not an easy book for a moderate Democrat to review because its author indulges in serial caricatures of his opponents. We learn from Sen. Rick Santorum that liberals want to "pulverize" the nuclear family and discourage economic self-sufficiency, that they are hostile to work and ordinary morality. (I select these items from dozens of comparable insults.) Liberalism, Santorum instructs us, is an "ideology" while conservatism is "common sense." These sorts of animadversions are rooted in the conservative echo chamber that is an increasingly prominent part of Beltway political culture, and they do not contribute to a productive discussion.

There is another side to *It Takes a Family: Conservatism and the Common Good*, however—a serious argument that deserves respectful consideration. Santorum contends that the idea of individual autonomy, which he takes to be the core of contemporary liberalism, constitutes a conception of "no-fault freedom" that undermines an older ideal of ordered liberty on which republican self-government depends. The propensity toward ordered liberty is not innate; it must be carefully nurtured in "traditional families" and in neighborhoods and communities that take responsibility, so far as possible, for their own fate. Liberal individualism is blind to the essentially social nature of human beings. Not the individual, but rather the family, is the basic unit of society. Individual rights take their place within, and are subordinate to, institutions and practices that promote the common good. In the last analysis, republican government rests more on virtue than on freedom; otherwise put, genuine freedom is oriented toward virtue and especially toward duty and self-sacrifice.



It Takes a Family: Conservatism and the Common Good
By Rick Santorum
Intercollegiate Studies Institute, $25.00

In the body of this book, Santorum examines what he calls the "five pillars of American civilization"—otherwise put, the arenas within which individuals may cultivate the virtues needed for individual success and for the survival of the American experiment in self-government. Expanding on Robert Putnam's discussion in *Bowling Alone*, Santorum examines society, the economy, morality, culture, and the educational system as sources of "capital" on which individuals can draw—that is, if these sectors are in good order. But they are not, he contends; in each, the influence of pernicious liberal ideas is weakening their capacity to promote virtue. Conservatism, then, means more than limiting government; indeed, it may mean expanding government. (Santorum proposes to create or expand numerous public programs.) Instead, conservatism requires a comprehensive struggle against liberal thought and policies.

As Santorum emphasizes, his interpretation of America draws heavily on Catholic social thought—especially on its pre-Vatican II version. (Vatican II's emphasis on social justice and individual conscience are conspicuous by their absence in Santorum's rendering.) The question is whether Catholic social thought, so understood, provides a sound basis for interpreting American constitutionalism.

It is certainly true that some of the Founders—notably George Washington and John Adams—argued that republican self-government depends on a virtuous citizenry. It is also true, as Santorum suggests, that the silence of the U.S. Constitution concerning institutions that form virtuous citizens does not necessarily mean that its drafters believed we could do without them. But it does not follow that they understood individual freedom the

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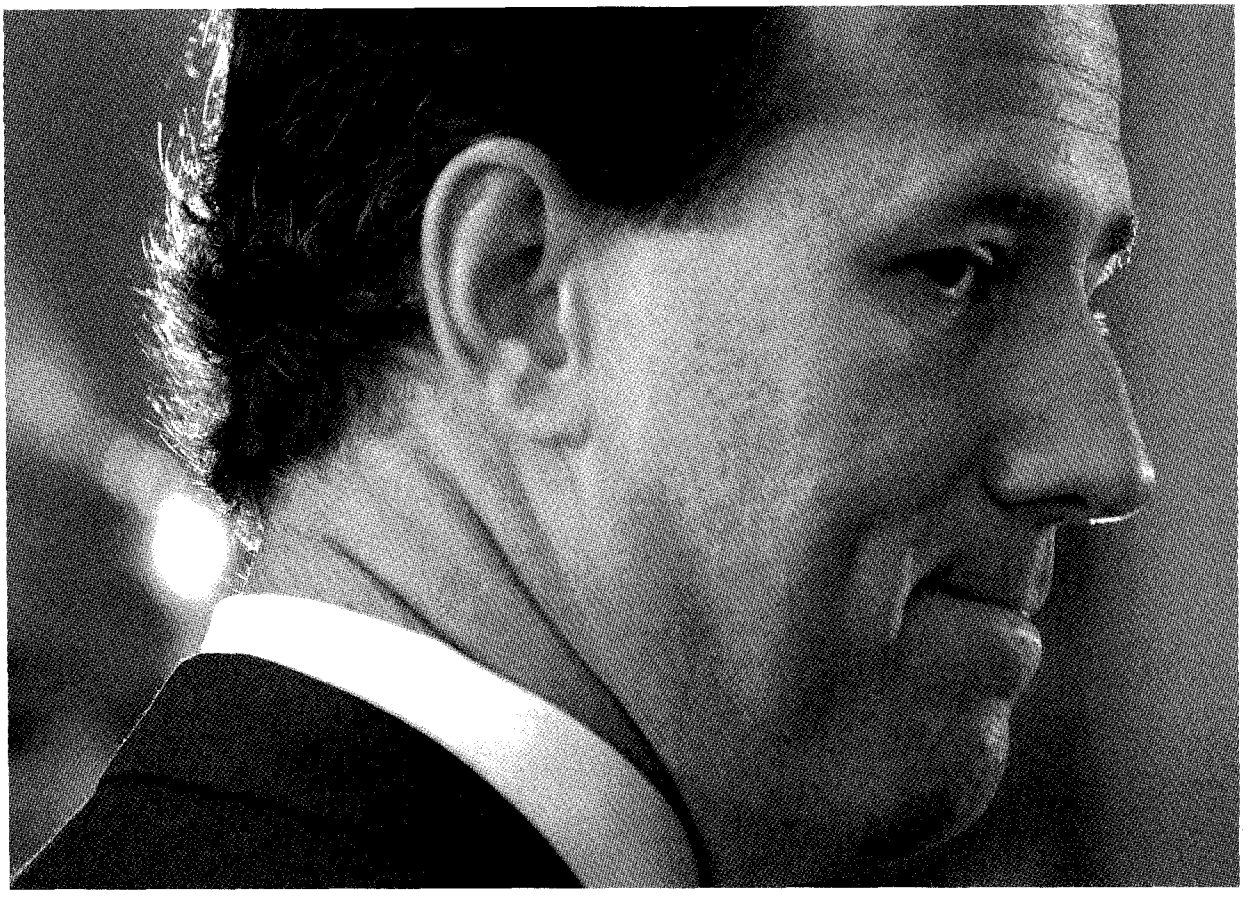

way St. Thomas did, or that they embraced an anti-individualistic, organic view of society.

In the first place, Santorum seems not to have reflected very deeply, if at all, on the Declaration of Independence. If he had, he would have been forced to observe that whatever the basic unit of society may be, the basic unit of political community is the individual. Equality is an attribute of individuals; rights attach to individuals; the securing of individual rights is the great object of government; and the consent of individuals defines its "just powers." For better or worse, the Declaration adopts a classic social contract view, in which individual rights precede duties and the aggregation of individuals, not some larger organic whole, is the basis of political community.

Second, Santorum seems never to have read the key passages of the *Federalist Papers* in which James Madison—the father of the Constitution if anyone is—reflects on the relation between freedom and virtue in American political institutions. How can we avoid the concentration of governmental power that leads to tyranny? One possibility is to inculcate republican virtue—Cincinnatus voluntarily surrendering power after saving the Roman republic, Washington returning to his farm after leading the American revolutionary army to victory. This is not the road Madison takes. I quote from Federalist 51: "The provision for defense must ... be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

Perhaps government is especially likely to bring out the worst in human nature; maybe society is the natural home of virtue and selflessness. Madison anticipates this move, and he rejects it: "This policy of supplying, by opposite and rival interests, the defect [that is, the absence or weakness] of better motives, might be traced through the whole system of human affairs, private as well as public." The key to economic liberty lies in the multiplication of competing economic interests; the key to religious liberty lies in the multiplication of sects; and so on. Does this mean that there is no room for virtue, or no need for it, in American politics and society? Of course not, says Madison; but we should not assume that formative institutions—the family, schools, civil associations, religious institutions—will produce enough of it, even when they are working well. American constitutionalism, and American social thought understood through the prism of constitutionalism, argues that selfless devotion to the common good will always be in short supply, and that liberty is best secured through institutions and practices resting on darker but more

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realistic assumptions about human motivations.

One might have thought that Santorum would be drawn toward this kind of view. After all, he insists, the hallmark of conservatism is belief in original sin, unlike feckless liberals, who believe either in man's natural goodness or in human nature as a *tabula rasa* on which society can work its formative powers. There is in fact a long tradition of what might be called "original sin liberalism," the Christian realism of Reinhold Niebuhr. It was Niebuhr who cautioned us against the sin of pride, the belief (so conspicuous in the current administration) that we are an especially virtuous people. And it was Niebuhr who declared that "The sad duty of politics is to establish justice in a sinful world." Santorum claims to believe in original sin, but in comparison to the Christian realists his outlook is closer to the soggy sentimentality of Norman Rockwell and Hallmark cards.

While Santorum claims to be founding a new kind of conservatism, he misses the opportunity to explore key differences between his outlook and that of other conservatives. One example must suffice. For nearly two centuries, conservatives have wrestled with the tension between a market economy and social solidarity. Markets are competitive and dynamic; they innovate by destabilizing settled arrangements (whence Joseph Schumpeter's famous characterization of capitalism as "creative destruction"). By contrast, social ties depend on a measure of stability, a pace of change consistent with the rhythms of everyday family and community life. Santorum quotes ur-conservative Russell Kirk on "stewardship of a patrimony," which he labels a "major theme" of his book, and he devotes hundreds of pages to the importance of traditional social bonds. But when he turns his attention to the economy, he presents himself as an orthodox, Reaganite supply-sider on taxes (in the finest libertarian tradition, he calls it a "freedom issue") and as a proponent of George W. Bush's "ownership society." Not a word about what happens to main streets in small towns—the hub of social life—when Wal-Mart arrives; not a word about the impact of trade and technology on long-established manufacturing facilities or about what happens to communities when they shut down; not even a passing mention of the link between a deregulated media market and the cultural coarsening he rightly deplores. A newly moralized conservatism, sure, but not if it offends the business community.

Santorum does tackle, however, a number of issues in a direct and honorable manner. He is right to discern a tension between the version of natural law he endorses and freedom understood as virtually unfettered autonomy. Many contemporary thinkers reinterpret, as arbitrary and malleable social constructions, human relations long regarded as natural. While such arguments are exposed to legitimate criticism, the devil is (as always) in the details. For example, in the course of an argument against gay marriage, Santorum speaks of the "given natures" of men and women. Does he mean to suggest that men and women "naturally" have different roles within the family or in the larger society, and that deviation from these roles is somehow unnatural? As he knows, or should know, nature-based arguments have been used throughout history to justify arbitrary and oppressive social relations. This does not mean that arguments from nature are always and in principle wrong. It does means that he owes his readers a much fuller argument about what nature requires and rules out.

Santorum is also right to focus on the family as a key site of character formation, and on the negative consequences for society when families fail to discharge this responsibility effectively. Taken together, however, these observations create a difficulty that goes to the heart of his argument. On the one hand, freedom rightly understood (as distinguished from no-fault freedom) requires an orientation toward duty and the common good. Choosing to act selfishly or immorally is an abuse of freedom that society may discourage or prevent. On the other hand, Santorum wants to insulate families from public power, especially when the upbringing of children is at stake. So families are free to raise children who are ignorant of, even hostile to, the "basic moral truths" at the heart of decent social and political life. As he puts it, "If you as a parent seriously do not want your child to be educated in these basic moral truths, then in our new family-focused educational model you can take your educational scholarships and head over to the Moral Relativism Academy, or for that matter the Church of the Golden Calf Elementary School, or wherever else you can find someone teaching the values that are important to you."

In other words: Parents' freedom is the highest value even when they reject moral truths and foster traits of character opposed to the virtues a decent society requires. This proposition resembles what Santorum castigates through his book as no-fault freedom, with the difference that the locus of freedom without virtue is the family rather than isolated individuals. But isn't it worse for parents to abuse freedom than for isolated individuals to do so? In the latter case, the harm is diffuse and indirect; in the former, direct and highly concentrated.

In the end, Santorum does not have the courage of his convictions. The logic of his argument should lead him to conclude that parents are not free to raise and educate their children in ways that undermine universal moral truths and socially essential virtues. He shrinks from this conclusion, I suspect, because he understands that his fellow citizens would never accept it. Yet his premises point straight toward the ultimate concentration of state power we call theocracy. Nothing could be farther from the intention of the Framers in whose name Santorum claims to speak.

William A. Galston is Saul Stern Professor at the University of Maryland's School of Public Policy and was Deputy Assistant to President Bill Clinton for Domestic Policy from 1993 to 1995. His most recent book is the Practice of Liberal Pluralism (Cambridge, 2004).

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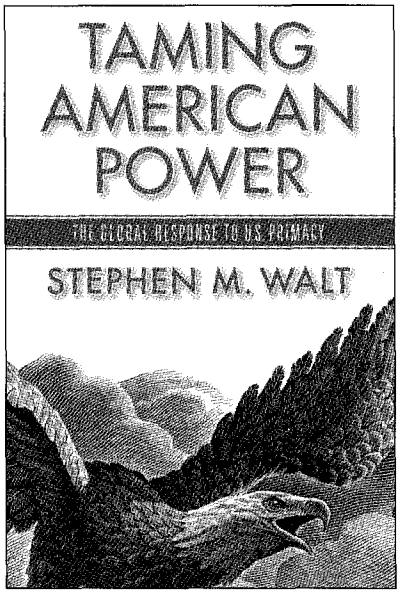
New Balance

What other countries can do about American power.

By Jonathan Clarke

If ever there was a sign that the days of the "axis of evil" and the preemptive belligerence of the 2002 National Security Strategy are drawing to an end, it may be found in this consistently interesting new book *Taming American Power* by Stephen Walt, the Robert and Renee Belfer Professor of International Affairs at Harvard's Kennedy School of Government. A year ago, such a book would have raged at the inadequacies of the administration's policy. Today, the outlook is more forward oriented. Rather than indulging in a head-on confrontation with the "Bush doctrine," Walt implicitly assumes that its failures are now so manifest that its time has passed. The task for mainstream foreign-policy thinkers is thus not to reslay the beast but to design a better policy.

Walt's starting point is the reality of American power. On this, his analysis is conventional. He says that the United States "enjoys an asymmetry of power unseen since the emergence of the modern state system." For many analysts, particularly those attracted to Charles Krauthammer's celebrated "unipolar moment" theory dating from 1990, this is where the debate begins and ends. For them, the question is solely, as Walt puts it, of "what should the United States do with its power?" It is worth pointing out that adherents to this theory are not all conservative, as evidenced by then-Secretary of State Madeleine



Taming American Power: The Global Response to U.S. Primacy
By Stephen M. Walt
W.W. Norton, $27.95

Albright's equally celebrated question in 1993 to then-Chairman of the Joint Chiefs of Staff Colin Powell. "What are saving this superb military for, Colin, if we can't use it?" Walt shows that this approach has produced a debate that is almost exclusively America-centric, military-dependent, and flat-footed.

Walt's great contribution is to turn this debate around. He is as keen as anyone to forward America's national interest, but he shows that to do so, policy makers need to understand that American power is not the only variable in the international arena, and that analysis needs to include the likely reaction of competitors. He thus frames the key question as "what can other states do about American power?" In doing so, he takes direct aim at those (mainly British) romanticists of empire like Niall Ferguson who assert that the only threat to American power comes from the "absence of a will to power."

In refuting this approach (which Walt does with unfailing courtesy), he updates for our time the notion of the "security paradox." Dating back to the competition between Athens and Sparta in the run-up to the Peloponnesian War, the paradox asserts that security investments made by one side provoke equal and countervailing investments by the other. Walt shows that this process is in train again today. Far from being left without options by U.S. military preeminence, other countries enjoy a surprising array of choices, ranging from strategies of opposition to strategies of accommodation. Either way, such approaches are intended to bend U.S. foreign policy in the direction of the foreign country's interest.

Thus, reversing the telescope this way can prove highly instructive. Walt provides a taxonomy of the options available to countries less militarily powerful than the United States—that is, the rest of the world. Some of these options are oppositional, what Walt calls North Korean "blackmail" or insurgent use of "asymmetry." Precautionary "soft balancing" against the United States may also be established between countries, for example Russia and China, with which the United States is on good terms. Another option is accommodation, for example "bonding" with the United States to gain advantages that would not otherwise be available. Tony Blair's tight lock onto the United States before the Iraq War enabled him to pressure Washington into seeking U.N. Security Council support, something few inside Bush's inner circle wanted. Another example is India's emerging partnership with the United States, which may enable India to parlay the United States into acting as a counterbalance to China.

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Particularly interesting in this context is Walt's examination of "delegitimation" of the United States as a broad option available to the international community. Delegitimation is the broad equivalent of what in American politics is known as "going negative": in this case, the efforts of opponents of the United States to undermine its general image as a benevolent power and to portray it as a sort of rogue elephant. This objective can be pursued not only by out-and-out enemies but also can arise as criticism from people of impeccable moral stature like Nelson Mandela. Exponents of "hard power" tend to dismiss this as of little consequence—"let them hate us so long as they fear us." However, writing as a British official who used to slipstream behind his American big brother during the Cold War and drew upon the undoubted moral authority enjoyed by the United States in those days, I can assure readers that Walt's analysis is spot on. If you are trying to navigate the corridors of international power, it is much easier to walk through an open door than to have to kick it down. As a means of asserting the national interest, legitimacy is a serious asset. At its most basic, it's the difference between being perceived as a liberator or an occupier.

The key lesson here that Walt brings home is that it is a bad mistake for American policy-makers to believe that foreign countries are waiting breathlessly and helplessly for American decisions. They are not. They may not be as militarily powerful as the United States, but they are not powerless. They are alive to opportunities. China, for example, is finding common ground with Russia and various Central Asian countries through the Shanghai Cooperation Organization and with its regional partners in ASEAN + 3, both of which exclude the United States. These may not amount to much yet, but they are straws in the wind.

One area in which Walt might have allowed the logic of his argument fuller rein is his analysis of American power. It is clearly true that American military capacity is extraordinary. There are no two bricks anywhere in the world, one resting on top of the other, that American cruise missiles cannot knock over, on a 24/7 basis under all weather conditions. But, however impressive this capability is in terms of technology, does it really translate into an ability to impose America's will? Walt writes of "hubris" and the persistent overestimation of this power capability by the American foreign-policy elite. Somewhere out there (preferably not from one of the usual anti-American suspects), there are fundamental questions to be asked about whether the so-called "revolution in military affairs"—the fusion of information technology and airborne platforms to deliver a global precision strike capability—is anything more than a will-of-the-wisp. This would lead into a discussion of how powerful America really is, power being defined as the ability to secure America's long-term interests, not just in terms of knocking over buildings.

One smaller point is worth mentioning. Given that Walt clearly wishes to avoid settling scores, he does not rake over the origins of the Iraq War. This causes him to leave intact the notion that this was caused by an intelligence failure on the question of WMD. Readers should discount this. The evidence that the main advocates of the Iraq War were intent upon such a conflict from the moment they entered office is now overwhelming. At best, WMD offered them a rationalizing capacity, it never was the prime mover. And when the intelligence did not go their way, they fixed it. The true intelligence failure was that the professional institutions allowed themselves to be bullied or worse. But this was not the reason for the war.

In his discussion of "strategies of accommodation" (itself a very useful concept), Walt looks at the activities of foreign governments in the United States, working through P.R. firms as the Saudis do, through political action committees like the Israelis or through Diaspora communities like the Indians and Armenians. This section, notably its title "political penetration," will be well worth examining more thoroughly. But the weight Walt ascribes to the notion that the sustained U.S. support for Israel or the recent upgrading of relations with India can be traced in almost linear fashion to the influence of their lobbies in America has overtones of conspiracy quite absent from the rest of the book. This is a pity, as it may distract attention from his more than sensible call for a fresh look at the assumptions underpinning U.S. policy toward Israel.

In his conclusion, Walt recommends a strategy of "offshore balancing" which would involve a much reduced use of American military power and more use of regional proxies. He also urges much greater reliance upon the power of example (as voiced in John Quincy Adams's 1821 speech) and placing a high priority on safeguarding the legitimacy of American actions as a component for American power are also recommended. As indicated above, this may be the direction in which foreign policy is now headed, with the shakeout from hurricanes Katrina and Rita confirming the trend. However, if one may borrow a word from another context, there are plenty of "dead-enders" still around. Barely a day goes by without someone or other at one of Washington's think tanks calling for a new buckling of American armor against this or that threat. Walt's book is an excellent aid for those who find themselves seeking to rebut these idiocies.

One key reader of this book should be Karen Hughes, the new Under Secretary of State for Public Diplomacy and Public Affairs. She has the freshest eyes on the foreign-policy scene and enjoys the ear of the president. She has pledged to be a good listener. Walt's endorsement of the need for "greater confidence in America's fundamental principles and institutions" will appeal to her, but, if she can absorb his ideas on the equal need for a mature foreign policy, her time will be well spent.

Jonathan Clarke is the co-author with Stefan Halper of *America Alone: The Neo-Conservatives and the Global Order.* Their next book due out next year from Basic Books examines the pernicious effects of Big Ideas like unipolarity and freedom on the march.

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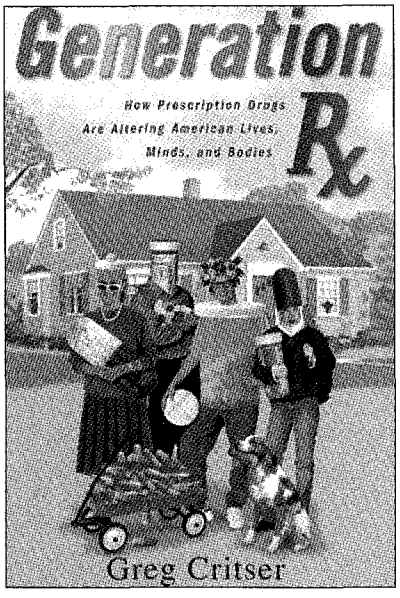
Ill Informed

How drug companies convince Americans they're sicker than they are.

By Shannon Brownlee

Sometime in the late '80s, the CEO of the drug company GlaxoSmithKline realized he had a problem. Glaxo's lead drug at the time was Zantac, which accounted for one-third of the company's bottom line and was also the world's bestselling ulcer medicine. Zantac had to stay the world's bestselling ulcer medicine for another few years while Glaxo scientists searched for replacements because the drug was slated to lose its patent protection in 1997. The problem was, evidence had been accumulating for several years suggesting that ulcers are not caused by an excess of stomach acid, which Zantac was really good at suppressing, but rather by a bacterium known as *Helicobacter pylori*. "The implication, hopeful for patients," as author Greg Critser puts it, "was also dismal for Glaxo." Scientists from Glaxo and other companies pooh-poohed the bacterial theory, but by the early 1990s, clinical trials had shown that antibiotics could, in fact, effectively clear up ulcers, leaving Glaxo and Zantac in search of a new market.

The company's salvation lay just north of the stomach, with the condition Gastroesophageal Reflux Disease, or GERD. GERD occurs when the esophageal sphincter, the ring of muscle at the top of the stomach, allows acid to creep up the esophagus. Basically, GERD is chronic heartburn—heartburn so bad it can eventually damage the cells lining the esophagus. Zantac was great at treating GERD, too, but there was just one problem: GERD isn't common. Heartburn, on the other hand, is; but, unfortunately for Glaxo, most people considered heartburn nothing more than one of the wages of overindulgence, treatable with an over-the-counter remedy or a little more self-control at the dinner table—not with a prescription drug. What Glaxo needed to do was persuade people that ordinary heartburn was an early-warning sign of GERD.



Generation Rx: How Prescription Drugs Are Altering American Lives, Minds, and Bodies

By Greg Critser

Houghton Mifflin, $24.95

So, Glaxo and its marketing team set about popularizing GERD and its potentially dire consequences through a marketing technique that is now used routinely by drug makers, and which came to be known as "condition branding," or selling a disease along with a drug. To brand GERD, Glaxo launched a public relations campaign called "Heartburn Across America." The campaign used the graphic of an erupting volcano to illustrate to consumers the severity of GERD. The company also set up the Glaxo Institute for Digestive Health, which funded research as a way to reach out to physicians. It enlisted the help of the American College of Gastroenterology, the professional organization for doctors who specialize in treating diseases of the stomach and gut, a campaign that deliberately and effectively conflated GERD, which is serious, and heartburn, which is not, in the minds of both consumers and doctors.

The rest, as they say, is history. Zantac sales skyrocketed, hitting $2 billion a year at its peak, two-thirds of which was for GERD. Physicians began to view Glaxo as a leader in the field of gastroenterology; consumers started worrying that their heartburn was potentially dangerous. Condition branding was soon being used by other drug makers to sell everything from high-cholesterol medications to Viagra.

And, as writer Greg Critser argues in this fascinating, often funny but ultimately flawed book, the drug industry's brilliant marketing techniques also helped turn Americans into a nation of pill poppers, or "Generation Rx." The book's first half is devoted to a detailed and compellingly told history of the transformation of the pharmaceutical industry from a group of conservative companies, focused on research and development, into marketing powerhouses. Drawing on his decade as a pharmaceutical business reporter, Critser, who is also the author of *Fatland: How Americans Became the Fattest People in the World*, chronicles the rise of DTC, or direct to consumer advertising. Before the 1980s, the idea of advertising directly to consumers seemed unethical to most drug companies, an attitude that was on display in a remarkable set of letters written to Congress in 1982 by pharmaceutical executives. In one letter, Charles Hagan, vice president and general counsel of American Home Products, wrote, "[Direct to consumer] advertising would make [patients]

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extraordinarily susceptible to product promises." The head of Smith, Kline & French wrote that "advertising would have the objective of driving patients to their doctors' office," while the head of Abbott Laboratories worried that advertising to consumers would lead them to pressure their doctors to prescribe drugs "that may not be needed." Drug company executives would change their minds about DTC advertising over the course of the 1980s and 1990s, once a few maverick marketers used DTC ads to drive up sales. A series of Supreme Court cases, brought by consumer groups and the advertising industry, eroded the boundary between commercial speech and individual free speech, and forced the Food and Drug Administration, which oversees drug industry marketing, to change its rules. New, liberalized regulations issued in 1997 sent drug sales through the roof, ironically bringing about many of the pharmaceutical executives' predictions.

The industry now spends on the order of $3 billion on DTC advertising, and sees $4.20 in return on every dollar invested in "driving patients to their doctors' offices." The result has been rapidly rising pharmaceutical drug use. In 1993, the average number of prescriptions filled per person per year was seven. In 2000, it was 11; it was 12 four years later. Some 27 percent of elderly Americans are on nine or more medications simultaneously, compared with 17 percent in 1997.

While our national prescription drug habit costs us nearly $200 billion a year, it isn't necessarily a bad thing if it's improving our health, which the pharmaceutical industry argues it is. Americans benefit from its products, says the industry, by living longer, suffering fewer symptoms of disease, and spending fewer days in the hospital. To be sure, pharma has been the source of many medical miracles—longer lives for people infected with HIV, thanks to antiviral drugs, and less suffering from everything from migraines to mumps. That's not the issue here. The problem with the drug industry, as Critser and others see it, is that its marketing techniques are leading too many Americans to take one of the following: a risky drug for a relatively mild condition; a more expensive drug when a cheaper, equally effective one would do; a drug for a condition that would be better treated in other ways; or a potentially dangerous combination of drugs.

This state of affairs has come to pass, in Critser's views, in part through the medicalization of more and more aspects of ordinary life. Marketing has persuaded both doctors and patients that uncommon conditions, like GERD, are widespread, while insignificant or merely troublesome complaints are serious if not life-threatening, and need to be treated with a potentially dangerous drug. Many of us now demand drugs not only for serious illnesses, but also for everything from allergies to toenail fungus. Meanwhile, risk factors like high cholesterol and lower-than-average bone density are portrayed by the industry as diseases in and of themselves, and in need of treatment with drugs that can themselves cause life-threatening conditions.

Implicit but to a certain degree unexplored in Critser's analysis are the ways in which doctors have played a pivotal role in the overselling of prescription drugs. They often accede to patient demands for heavily-advertised brand name drugs even when no drug is needed, or a less expensive, less dangerous drug will do. They have also permitted the industry to commandeer continuing medical education, the courses doctors are required to take to maintain their licenses, the majority of which are now underwritten by pharma. Big pharma, and to a lesser degree biotech, now funds 57 percent of clinical trials, the scientific tests that are designed to probe the efficacy and safety of drugs. Providing the funds for this research has given the drug industry unprecedented leverage over what doctors and patients know—and don't know—about drugs, and allows it to systematically and deliberately manipulate data. Critser describes several examples of how the financial relationships between physicians and pharma have led to patient harm, but he seems to lay most of the blame at the feet of industry, which in many ways is simply doing its job making money for stockholders.

Critser's history of the rise of direct-to-consumer advertising is rich, insightful, often wry, and filled with enterprising reporting. He brilliantly exposes the mismatch between marketers' perception of drugs as just another consumer product, no different from cars or computers, and the fact that all drugs can have side effects, some of them more dangerous than others. In the second half of the book, he argues that taking multiple medicines simultaneously, as more and more Americans do, may be taxing our organs and making us ill. Many drugs are metabolized in the liver, which has only a limited capacity to process the pharmaceutical stew that many Americans consume each day. Liver toxicity is, in fact, one of the most common side-effects of prescription drugs, but while Critser's assertion that poly-pharmacy is harming large numbers of Americans seems plausible, it has not been fully documented in the scientific literature.

Despite its excellent history, I found *Generation Rx* ultimately frustrating largely because the book lapses into an insufferable flippancy in the final third that undermines the author's cultural critique of drug marketing's effect on our perception of disease. Here is Critser in the last chapter, where he offers readers tips on avoiding harm from drugs: "When you think about drugs, recite these mantras: Drugs are poisons—useful poisons, but poisons nonetheless.... Say it. Say it again." Industry is the bad guy for marketing its wares so adroitly, he seems to say, and Americans are chumps for believing it. Read *Generation Rx* for its history of drug marketing. Then sit down with *Overdo$ed in America*, by Harvard doctor John Abramson, and with *Selling Sickness*, by Australian journalist Ray Moynihan and Canadian physician Alan Cassels, for a more complex analysis of how the industry's sales tactics are turning healthy people into patients. Together, these three books offer consumers ample reason to ask questions before filling a prescription, and to think twice before going to the doctor to demand a brand-name drug.

Shannon Brownlee is a Schwartz senior fellow at the New America Foundation.

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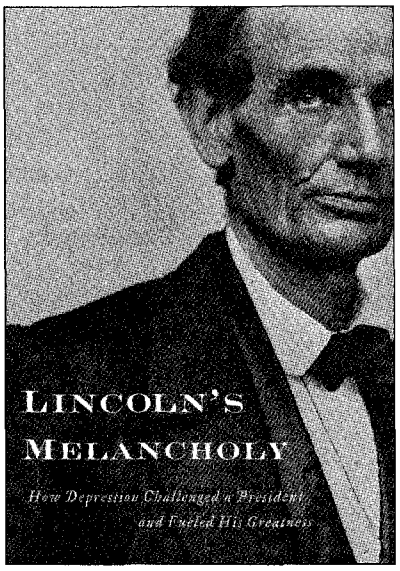
Blue Beard

A revealing look at why Lincoln's depression didn't cost him politically.

By Allen C. Guelzo

We do not tend to look for great psychological depths in American presidents. Political leadership is so often a matter of subordinating every other normal pattern of life to the pursuit of power that there is frequently very little, in psychological terms, left inside their souls. But even at those rare moments when the presidency is visited upon the cranky or the idiosyncratic—John Adams, say, or Thomas Jefferson—the account which gets written of them usually has all the clinical sophistication of a toothpick. After all, the subjects of such investigations are, at least in the historical cases, far beyond any opportunity of ours to interview or observe. So, even when we undertake an analysis of the psyche of an Adams or a Jefferson, a great deal of the analysis has to be confected from a feeble sprinkling of known fact and a deluge of speculation.

Which is why Joshua Wolf Shenk's *Lincoln's Melancholy* should normally send us reaching for our hats and coats. Of all of our presidents, Abraham Lincoln was clearly the most psychologically tortured and the one who wore it most plainly on his sleeve. His law partner, William Henry Herndon, once said that "melancholy" dripped from Lincoln, and the stories of people who saw in his face the gnawing of a hideous sadness are too legendary and too numerous to dismiss. Lincoln himself was more than a little self-aware of his own mental gloom: "You flaxen men with broad faces are born with cheer



Lincoln's Melancholy: How Depression Challenged A President and Fueled His Greatness
By Joshua Wolf Shenk
Houghton Mifflin, $25.00

and don't know a cloud from a star," he told Iowa congressman Josiah Grinnell. "I am of another temperament." But the misery people saw so plainly etched in the cadaverous hollows of Lincoln's cheeks also offered no clue to its cause. "Lincoln was a peculiar man," reflected David Davis, a colleague from the pre-war days in Illinois and executor of Lincoln's estate. "He was the most reticent, Secretive man I Ever Saw or Expect to See." Leonard Swett, who rode the circuit courts with Lincoln and later wrote Lincoln's biographical entry for the *Encyclopedia Britannica*, begged Herndon to tell him "what the skeleton was with Lincoln" that "gave him that peculiar melancholy?" Herndon's best guess was that it was wrapped up in Lincoln's marriage to the unhappy Mary Todd. But he could do no more than guess: Lincoln "never talked much about his history, plans, designs, purposes, intents; and when a man tells you this or that about what Lincoln said, believe what you must and no more."

Herndon's warning has been ignored by dozens of eureka-peddlers who have, over the years, hawked one single-answer solution after another to the cloud hanging eternally over Lincoln's head. In the case of *Lincoln's Melancholy*, however, Shenk, a contributing editor of this magazine, has been able to dodge Herndon's bullet, and largely because he has written well, he has refused to claim too much, and he has kept two ideas in front. First is the unarguable fact that Lincoln suffered from spells of depression which, at two points, brought him within range of suicide. Second, there is the equally unarguable fact that we do not know enough about Lincoln's depression to build upon it some heroic story of crisis and recovery. Shenk has no psychobiographical theory or therapy to promote, nor does he nurture any Byronic illusions about the redemptive or creative powers of melancholy. "This is not a story of transformation," Shenk warns, "but of integration. Lincoln didn't do great work because he solved the problem of his melancholy." Depression is an illness, and people who suffer from it want just one thing—for it to stop.

Shenk is a journalist, not an academic historian. But he amasses more than enough evidence from a careful sorting of the Lincoln sources to show (a) that the Lincoln bloodlines showed a predisposition to mental grief, (b) that Lincoln's youth and early adulthood were scarred by family deaths and personal traumas, and (c) that in his mid-to-late 20s, Lincoln reacted so badly to political and personal defeats that numerous friends and eyewitnesses were afraid to leave him alone. This never quite teetered over into bipolar or schizophrenic mental illness. "No evidence exists of mania in Lincoln," Shenk observes. But at the same time, there is no denying that "Lincoln had

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major depressive episodes." Lincoln himself frequently described his own "misery," especially during the perfect mental storm he suffered in the early 1840s from the collapse of his first political career and his multiple romantic disappointments. What surprises Shenk the most is that Lincoln made no effort either to advertise or conceal these episodes, and suffered no political penalty for them. A presidential candidate described as "melancholic" or "depressive" would today be unelectable. Yet, said Lincoln's fellow Illinois lawyer, Henry Clay Whitney, "No element of Mr. Lincoln's character was so marked, obvious and ingrained as his mysterious and profound melancholy."

Lincoln survived the depressive episodes he suffered in the 1840s, but not in the way we might like to think. Each episode of depression makes the recurrence of further episodes more statistically likely, and in Lincoln's case, depression created a sort of permanent backdrop with which he gradually learned to cope. Chronically recurring depression is like balancing tea cups—when it becomes clear it's not going away, the result is a search for a new equilibrium. "One becomes accustomed to it, expecting such hardship and greeting it with, at best, a stoic determination," Shenk writes, and so it was with Lincoln. Like many depressives, Lincoln was both a workaholic and a jokester, and his alternating spells of joke-telling and silent withdrawal were the visible face of his "effort to contain his dark feelings and thoughts." Shenk believes that Lincoln never achieved "what we would call a cure," in large measure because depression is not "a collections of symptoms to be eliminated" so much as it is a climate to which one must adapt. But the capacity for adaptation, and the stoicism that supported it, may well have been just the recipe required for the man delegated to guide the republic through the "fiery trial" of the Civil War.

Allen C. Guelzo is Professor of the Civil War Era at Gettysburg College and two-time winner of the Lincoln Prize for *Abraham Lincoln: Redeemer President* (1999) and Licoln's Emancipation Proclamation: *The End of Slavery in America* (2004).

Missed Manners

Lynne Truss thinks people are getting ruder. She can shove it.

By Elizabeth Austin

A few nights ago, my husband was flattened by a sudden attack of vertigo. Terrified, I called our doctor. "Well, it could be a heart attack, it could be a stroke, or it could be something really scary," she said reassuringly. "Take him right to the hospital."

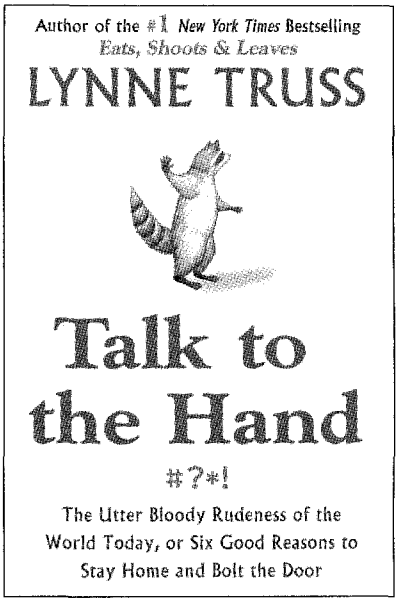
Within minutes, we were at the emergency room, where a cluster of security guards stood glued to the blaring football game on the television. Frantic, I started to sign in. "Speak up, please," the triage nurse barked testily above the televised din. "I can't hear you."

I helped my dry-heaving husband to the bathroom, then sat with trembling hands while the color announcer screamed friendly insults at the play-by-play commentator. Undone by the noise, I took shelter in the "kids room"—only to be joined by a young baseball fan who turned on the television and cranked up the volume so he could hear it above the iPod plugged in his ear.

Thousands of decibels later, the attendant wheeled my husband to the examining room where we spent a painfully anxious—but blessedly TV-free—night. The doctors' diagnosis, eventually, was "Hmm, that was weird. Call us if it happens again, okay?" So, I took my husband home, poured orange juice into him, and called Patient Relations to suggest that they permanently mute that damned ER television.

"I know, ma'am," the patient rep responded with bland politeness. "Sometimes even the medical staff complains about it. But when we turn it down, somebody always turns it back up." I suggested that this was not an unsolvable technical problem. "Well you know, ma'am, some people in the emergency room are under a great deal of stress, and they want that distraction. You should have asked for a Quiet Room."

I pointed out that no one had mentioned any Quiet Rooms, and that there were no signs offering them. She replied: "Well, ma'am, then they were probably occupied. By families who



Talk To The Hand: The Utter Bloody Rudeness of the World Today, or Six Good Reasons to Stay Home and Bolt the Door
By Lynne Truss
Gotham Books, $20.00

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were dealing with *real tragedies*."

Out-tragedied, I acknowledged defeat and hung up.

All of which I mention to establish that I am clearly in the target audience for *Talk to the Hand: The Utter Bloody Rudeness of the World Today, or Six Good Reasons to Stay Home and Bolt the Door* by Lynne Truss. By rights, I should have turned each page muttering, "You go, girl"—or, as her plain-spoken British mates would say, "Effing brilliant. Effing bloody brilliant."

Certainly, *Talk to the Hand* is bloody good fun. As fans of her previous best-seller, *Eats, Shoots & Leaves* already know, Ms. Truss (who prefers to be called Lynne by friends and strangers alike) is a smart, engaging, perceptive, high-spirited, and paralyzingly funny writer. In this latest book, she takes on the pandemic bad manners of daily urban life, from incompetent-but-snotty shop clerks and leather-lunged cell phone abusers to intrusive electronics and vulgar T-shirts broadcasting profane insults at innocent bystanders.

In this book, Lynne's god-given gift for ranting is displayed to great effect. In the chapter, "Why am I the One Doing This?" for example, she goes off on the ever-increasing number of companies that expect their customers to function as unpaid staff, "even using guilt-trip lines such as, 'Please have your account details ready, as this will help speed up the process, so that we can deal with more inquiries.' The message here is that, yes, you may be waiting for twenty minutes while we make money from your call, but don't waste *our* time when you eventually get through because this would be rude and inconsiderate to others. 'We are busy taking other calls,' they say, sometimes. Does this placate you? No, it makes you hop up and down, especially when they suggest you call back later. 'We are busy taking other calls. Perhaps you would like to call back later at a time more convenient to us? Half-past two in the morning tends to be quiet. It is a very small matter to set your alarm. Another option is to bugger off and give up; we find that a lot of our clients are choosing this option these days.'"

Lynne is wickedly adept at identifying and describing the anti-social attitudes and assumptions that underlie everyday social distress. But the heartfelt tone that sometimes floats past her verbal fireworks make it clear that, beneath her riffs, Lynne is an exquisitely sensitive woman. Which is why I feel I must apologize sincerely for my belief that, with *Talk to the Hand*, she has grabbed the wrong end of the lollipop.

Part of the difficulty may be geographic. This is an incredibly British book. While Anglophiles may chuckle knowingly at the jokes about political commentator/quiz show host Jeremy Paxman, it's difficult for an American reader to imagine a high-profile anti-littering public awareness campaign based on a reference to oral sex. (No, I am not making this up.) Even more profoundly, it's hard for a Yank to comprehend a culture so buttoned-up (or passive-aggressive, take your pick) that a sharp, verbally gifted woman could find herself flummoxed by a so-called friend who continually makes nasty little wisecracks at her expense. When a friend from New York offers straightforward advice—"Tell him to cut it out"—Lynne confesses: "I could honestly have lived to the end of my life and not come up with such a brilliant and original strategy on my own."

But there's a larger, more fundamental problem with *Talk to the Hand*. Along with her witty descriptions of quotidian urban rudeness, Lynne repeatedly states her firm belief that "[t]he era of the manners book has simply passed." But instead of bemoaning that development, she proclaims good riddance. Etiquette is outmoded, she insists, a vestigial remnant of the class-conscious past. All we really need are kind hearts, good intentions, and simple consideration for others, not a bunch of arbitrary rules with no moral underpinning.

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If one felt stroppy, one might point out the paradox of being lectured on the anachronistic nature of arbitrary rules by someone who still drives on the left-hand side of the street. However, Lynne's anti-etiquette screed underscores the difference between American and British etiquette. In England, she explains, the rules of etiquette historically have been dictated by the aristocracy, who relied on the niceties of finger bowl usage and fish fork twiddling to separate the U (upper class) from the non-U. To Lynne, therefore, etiquette is no more than a tool for social climbers to assume a poshness to which they were not born, the behavioral equivalent of "the rain in Spain stays mainly in the plain."

Here in the United States, however, a strongly democratic vein has always run through our politely extended pinkies. In Emily Post's 1922 edition of *Etiquette* (to which Lynne makes glancing and derogatory reference), Mrs. Post claims that Americans are socially defined solely by how they behave. Her definition of the "Best Society" makes no mention of riches or birth but focuses on "instinctive consideration for the feelings of others"—combined, Mrs. Post insists, with "knowledge of the social amenities."

It is those amenities, which Lynne so forcefully spurns, that could provide the answer to the rudeness that so often pervades our daily lives. It is instructive to consider the issue of courtesy titles, which Lynne dismisses as completely outmoded. She fails to understand that these titles—Mr., Ms./Miss, and Mrs.—underscore the proper distance that allows us to engage others without unwelcome invasion of privacy. Courtesy titles are completely democratic in nature. They are ours not by birth, but literally by courtesy, and they provide a line of defense for us commoners who prefer not to allow random dukes, earls, or telephone solicitors to assert *droit du seigneur* with our first names. They serve as a gentle linguistic admonition to "mind the gap."

If Lynne—or, as I prefer to call her, Ms. Truss—wishes to understand the true nature of American manners, I would advise her to read Emily Post's *Etiquette*, in particular the 1927 edition. In it, Mrs. Post gleefully rolls up her sleeves, sorts through thousands of anxious letters, and tackles the etiquette questions that perplexed her middle-class readers, from what to serve at a neighborhood sewing bee (doughnuts and cider) to how to serve a formal dinner for eight without servants (you can't, so serve from a buffet instead.) Unlike British etiquette, which Ms. Truss describes as a trickle-down of institutionalized frostiness, the American variety as articulated by Mrs. Post and her successors—in particular, Judith Martin—is warmhearted, sensible, and ultimately grounded in the same respect for liberty, honor, personal freedom, and social responsibility that gave birth to the Declaration of Independence.

In the book's conclusion, Ms. Truss argues gamely that "enough people demonstrating kindness and good manners may ultimately have an impact on social morality." In this, she is absolutely and completely correct. I only wish she had been able to connect the dots and realize that we may demonstrate good manners to each other only if we have a shared definition of what good manners are—a definition that is derived only through etiquette.

In her 1922 *Etiquette*, Mrs. Post states the point succinctly: "Beneath its myriad rules, the fundamental purpose of etiquette is to make the world a pleasanter place to live in, and *you* a more pleasant person to live with."

There, Ms. Truss, is the answer that you so desperately seek. Welcome to America.

Elizabeth Austin is a Chicago writer.

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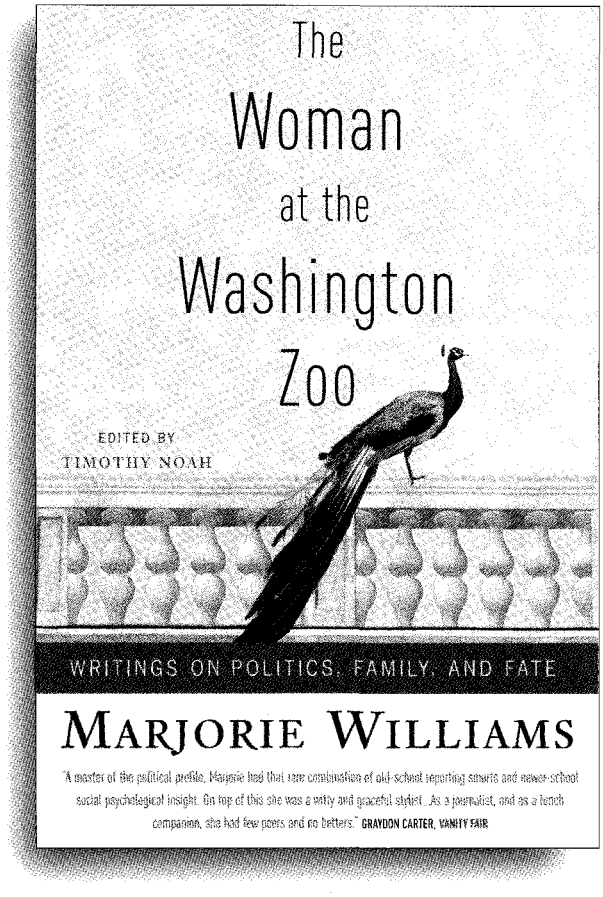

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